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THE

LAWS OF WISCONSIN

PASSED AT THE

ANNUAL AND EXTRA SESSIONS

OF THE

LEGISLATURE OF 1878,

TOGETHER WITH

JOINT RESOLUTIONS AND MEMORIALS.

BY AUTHORITY.

MADISON, WIS.:
DAVID ATWOOD, PRINTER AND STEREOTYPER.
1878.

LAWS OF WISCONSIN.

[No. 30 A.] [Published January 21, 187

CHAPTER 1.

AN ACT to amend chapter one hundred and twenty-three of the general laws of 1877, entitled "an act to revise, consolidate and amend the charter of the city of Oshkosh, the act incorporating the city, and the several acts amendatory thereof."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The laws of the state for the relief and support of the poor in towns shall apply to the said city of Oshkosh, and the common council shall annually levy a tax not exceeding one mill upon the dollar of the assessed valuation of the real and personal property of said city for the purpose of the support of the poor of such city lawfully entitled thereto; such tax to be levied and collected in the same manner as other city taxes.

State laws for relief and support of poor to apply.

Common council to levy tax.

How tax to be collected.

SECTION 2. The common council shall appoint a suitable and proper person to act as overseer of the poor of said city, whose salary shall not exceed the sum of six hundred dollars per annum. Such overseer shall have the same powers and shall perform the same duties as overseers of the poor of the several towns; *provided, however*, that he shall keep such accounts, and shall at all times be subject to and obey all orders and resolutions of the common council lawfully made in the premises and concerning his duties, and shall report from time to time as the common council shall direct.

Overseer—how appointed; salary; powers and duties.

Section 3. Immediately after the passage of this act the common council shall elect an overseer of the poor, who shall hold his office until the next annual election of city officers; and thereafter, and at each annual election of city officers, the common council shall elect with other officers, an overseer of the poor, who shall hold his office for one year, subject to removal by the council.

Common council annually to elect overseer.

Section 4. This act shall take effect from and after its passage.

Approved January 18, 1878.

[No. 2, S.] [Published February 1, 1878.]

CHAPTER 2.

AN ACT for the relief of the widow and children of Moses Strong, deceased, late assistant state geologist.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation. SECTION 1. There is hereby appropriated to the administrator upon the estate of Moses Strong, deceased, late assistant state geologist, in trust for the sole use and benefit of his widow and children, out of any money in the treasury not otherwise appropriated the sum of eleven hundred and twenty-five dollars, which sum, together with his salary for the months of June, July and August, 1877, which has been paid, will make fifteen hundred dollars, being the full amount of his salary as assistant state geologist for one year, until the first day of June, 1878, when his term of service would have expired, if he had lived.

Amount.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved January 30, 1878.

[No. 4, S.] [Published January 31, 1878.]

CHAPTER 3.

AN ACT to amend chapter nine of the general laws of 1870, relating to the county court of Dodge county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended. SECTION 1. Section one of chapter nine of the general laws of 1870, is hereby amended by inserting in the third line of said section, after the words "keep his office," the following words: "at the village of Mayville," so that said section, when so amended, shall read as follows: The judge of the county court of the

county of Dodge, is hereby authorized to keep his office at the village of Mayville, and to hold special terms of said court at the city of Beaver Dam, in said county, at his discretion, between the times for holding the regular terms in each month, and all business done and transacted, and all judgments, orders and decrees made by the said judge or court at such special terms, shall be as lawful, binding and valid, in all respects, as if done, transacted and made at the regular terms at the county seat of said county.

Acts and decrees to be lawful, etc.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved January 29, 1878.

[No. 23, S.] [Published February 5, 1878.]

CHAPTER 4.

AN ACT relating to transcribing the senate and assembly journals, and repealing chapter two hundred and forty-two of the laws of Wisconsin for 1876.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There shall be kept a journal of the senate and assembly, which shall be transcribed in books kept for that purpose, under the direction of the chief clerks of their respective bodies, and when completed, shall be authenticated by the certificates of the clerks, and shall be deposited by them with the secretary of state. The compensation of the transcribing clerks shall be the same as that now fixed for the enrolling and engrossing clerks.

Journals to be transcribed.

Compensation of transcribing clerks.

SECTION 2. Said journals, or certified transcripts therefrom, or any part thereof, shall be evidence in all courts of all matters and things therein recited.

Journals, etc., shall be taken as evidence in court.

SECTION 3. Chapter two hundred and forty-two of the laws of Wisconsin of 1876, entitled "an act relating to senate and assembly journals," is hereby repealed.

Act repealed.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved February 5, 1878.

[No. 17 A.] [Published February 26, 1878.]

CHAPTER 5.

AN ACT to authorize the supervisors of the several towns containing unincorporated villages, and the trustees of incorporated villages to regulate and license hawkers and peddlers, within and near such villages.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Powers of supervisors.

SECTION 1. The supervisors of the several towns in this state containing villages not incorporated and the trustees of incorporated villages, are hereby authorized, and shall have power to establish rates for, and license and regulate the traffic of, all hawkers and peddlers endeavoring to procure the sale of goods, boots and shoes, clothing, and wares of whatever description, (farmers' produce excepted), by putting up booths or stalls, or stopping with their vehicles or other conveyances in any of the streets, alleys, public squares or vacant lots within and near the limits of any of said villages, and to be designated and determined by said supervisors or trustees, as the case may be, during any days of public assemblages held therein; such as county or monthly cattle fairs, election or town meeting days, not to exceed twenty days in any year.

Farmers' produce excepted.

Limit of license

SECTION 2. The license or permit to be provided for in this act shall be good only for the day or days designated therein, and may be issued by the town or village clerk as the case may be, by and under the directions and regulations of the supervisors of such towns or the trustees of incorporated villages, as may have adopted the same under this act.

Clerk to issue license.

Provisions of sec. 2, ch. 296, laws 1877, to apply.

SECTION 3. The provisions of, and the penalties prescribed in, section two of chapter two hundred and ninety-six of the laws of 1877, shall also apply to any and all persons selling goods and wares as before mentioned, contrary to the provisions of this act, whenever the supervisors of any town or the trustees of any incorporated village have adopted the system provided for in this act, by resolution or otherwise; *provided always*, that this act shall in no way affect existing laws, regulating agricultural societies.

SECTION 4. All acts and parts of acts contravening the provisions of this act are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved February 6, 1878.

[No. 16, A.] [Published February 12, 1878.]

CHAPTER 6.

AN ACT relating to the Young Men's Association of the city of Milwaukee, and amendatory of chapter ninety-seven of the laws of 1852.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The board of directors of the Young Men's Association of the city of Milwaukee are hereby authorized and empowered, in the name and behalf of said association, to assign, transfer and convey to the city of Milwaukee, all and singular, the books, cabinets, library, furniture, apparatus, fixtures and other property of whatsoever nature, belonging to said association, in trust, to be kept, supported and maintained by said city as a free public library, for the benefit and use of all the citizens of said city; *provided*, the said city shall accept the trust and assume the care and maintenance of such library. Powers of board of directors. Proviso.

SECTION 2. Before making such transfer and conveyance, the said board of directors shall pay, or provide for paying, all the known debts and liabilities of said association, and with and upon the completed conveyance, transfer and delivery of said property by said board, and its acceptance and assumption by said city, the said Young Men's Association shall be deemed to be dissolved, and its franchise, as a corporation, to be surrendered to the state; *provided*, the powers of the present board of directors shall be continued for six months from the date of the passage of this act, for the sole purpose of winding up the affairs and settling the concerns of said association. Debts and liabilities to be paid. Proviso.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved February 7, 1878.

[No. 12, A.] [Published February 14, 1878.]

CHAPTER 7.

AN ACT to establish and maintain a public library in the city of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authority of city.

SECTION 1. The city of Milwaukee is hereby authorized to establish and maintain a public library therein, for the free use of the inhabitants thereof, and to receive, hold and manage any devise, bequest or donation for the establishment, increase and maintenance of such library, under such regulations as are herein contained, or as may hereafter be adopted, as provided in this act.

Library, part of educational department.

SECTION 2. The public library, established under this act, shall be considered a branch of the educational department of the city of Milwaukee, and shall be under the general management, control and supervision of a board, consisting of nine members, who shall be styled "The Board of Trustees of the Public Library of the City of Milwaukee."

Management and style of board of trustees.

Trustees.

SECTION 3. The president of the school board and the superintendent of public schools of said city, shall be *ex-officio* members of said board of trustees. William Frankfurth, Gustave C. Trumpff, Matthew Keenan and John Johnston, residents and tax payers of the city of Milwaukee, and three members of the common council of said city, to be appointed as hereinafter provided, together with said president of the school board and said superintendent of public schools, shall be and are hereby constituted the first board of trustees. The four trustees above designated by name shall serve for one, two, three and four years from the date of the organization of said board, so that the term of one of them shall expire each year. The respective terms of these four trustees shall be determined by lot at the first meeting of said board after the passage of this act, and their places shall be filled whenever a vacancy shall occur, by election by the board, from among the citizens at large; and annually, upon the expiration of the term of any such designated trustee, the board shall at their annual meeting, elect from among the citizens and tax payers of said city, his successor, to serve for the term of four years. The first three members from the common council shall be appointed by the mayor of said city at the first meeting of the common council

Terms of office of trustees.

Mayor to appoint.

held for organization after the charter election in 1878, from the members of the common council, to-wit.: one from the three-year class of aldermen, one from the two-year class of aldermen, and one from the one-year class of aldermen, who shall serve as such trustees during their respective terms as such aldermen. And annually on the third Tuesday in April thereafter, at the expiration of the term of any such trustee, the mayor shall appoint his successor for the term of three years from the aldermen then having three years to serve. In case any person so appointed trustee shall vacate the office of alderman before the expiration of his term, he shall at the same time cease to be a member of said board of trustees, and the mayor shall appoint some other alderman of his class in his place, for the balance of his term. None of said trustees shall receive any compensation, from the city treasury or otherwise, for their services as such trustees. And no member of said board of trustees shall become, or cause himself to become interested, directly or indirectly, in any contract or job for the purchase of books, pamphlets or other matter pertaining to the library, or of fuel, furniture, stationery, or things necessary for the increase and maintenance of the library.

Vacancies.

Trustees not to receive compensation nor become interested in contracts, etc.

SECTION 4. The first annual meeting of the board of trustees shall be held on the sixth day of May, 1878, at which meeting the board shall organize, by the choice of one of their number as president, to serve for one year, and until his successor shall be chosen. And it shall be the duty of the city clerk of said city, as soon as practicable, after the appointment of the three trustees to be selected from the common council, to give at least three days' notice, in writing, of such meeting of organization, to be held at the office of said city clerk, on the said sixth day of May, 1878, to every member of said board. And all subsequent annual meetings of said board shall be held on the second Monday of May in each year, at which a president shall be chosen from their number, to serve for one year, and until his successor shall be chosen.

Annual meeting.

Duty of city clerk.

President to be chosen.

SECTION 5. The board of trustees shall have general care, control and supervision of the public library, its appurtenances, fixtures and furniture, and of the selection and purchase of books, pamphlets, maps, and other matters appertaining to a public library; and also of the disbursement of all the moneys appropriated for and belonging to the library fund, in the manner hereinafter provided. And said board shall adopt, and at

Powers of trustees.

their discretion modify, amend or repeal by-laws, rules and regulations for the management, care and use of the public library, and fix and enforce penalties for their violation, and generally shall adopt such measures as shall promote the public utility of the library: *provided*, that such by-laws, rules and regulations, shall not conflict with the provisions of this act.

Proviso.

Meetings of board of trustees.

SECTION 6. The board of trustees shall, at their first meeting, on the sixth day of May, 1878, or thereafter as soon as practicable, and every five years thereafter, at an annual meeting, elect by ballot a person of suitable learning, ability and experience, for librarian, who shall also act and be *ex-officio* secretary of said board of trustees, who shall hold his office for five years from the time of said first annual meeting, unless previously removed, and who shall receive such compensation as may be hereafter fixed by the common council of the said city of Milwaukee. And said board of trustees shall also appoint such assistants and employes for said library as they may deem necessary and expedient, and shall fix their compensation, subject to the approval of the common council. All vacancies in the office of librarian, assistants and other employes, shall be filled by said board of trustees, and the person so elected or appointed, shall hold for the unexpired term.

Librarian to be appointed.

Vacancies, how filled.

Removals authorized.

SECTION 7. The librarian elected under this act, may be removed from office for misdemeanor, incompetency, or inattention to the duties of his office, by a vote of two-thirds of the board of trustees; the assistants and other employes may be removed by the board for incompetency, or for any other cause.

Duties of trustees.

SECTION 8. It shall be the duty of the board of trustees, within ten days after the appointment of the librarian and other salaried employes, to report and file with the city comptroller a duly certified list of the persons so appointed, with the salary allowed to each, and the time or times fixed for the payment thereof, and they shall also furnish such comptroller with a list of all accounts and bills which may be allowed by said board of trustees, stating the character of the materials or services for which the same were rendered, immediately after the meeting of said board at which such allowance shall be made. And said board of trustees shall also, on or before the first day of September in each year, make to the common council a report, made up to and including the thirty-first day of August of the said year, containing a statement of the con-

dition of the library, the number of books added thereto, the number of books circulated, and the number of books not returned, or lost, together with such information, or suggestions, as they may deem important; and this report shall also contain an account of the moneys credited to the library fund, and expended on account of the same during the preceding year.

Common council to levy tax.

SECTION 9. The common council shall levy and collect annually, upon all the taxable property of the said city, at the same time and in the same manner as other city taxes are levied and collected by law, a special tax, not exceeding one-fifth of a mill upon each dollar of the assessed value of said taxable property, the amount of which shall be determined by said board of trustees, and certified to the common council at the time of making their annual report to said council, and the entire amount of said special tax shall be paid into, and held in, the city treasury, as a separate and distinct fund, to be known as the "Library Fund," and shall not be used or appropriated, directly or indirectly, for any other purpose than for the maintenance and increase of the public library, the payment of the salaries of the librarian, assistants and other employes of the library, the purchase of books, supplies and fuel, and the incidental repairs of the library room and furniture.

Building, rooms, etc., to be provided.

SECTION 10. The board of trustees shall erect, purchase, hire or lease buildings, lots, rooms and furniture, for the use and accommodation of said public library, and shall improve, enlarge and repair such library, rooms and furniture; but no lot or building shall be purchased, leased or erected for the purpose herein mentioned, without an ordinance or resolution of the common council of said city, and deeds of conveyance and leases, shall run to the city of Milwaukee.

City treasurer to be custodian of library funds

SECTION 11. All moneys received by or raised in the city of Milwaukee for library purposes shall be paid over to the city treasurer, to be disbursed by him on the orders of the president and secretary of the board of trustees, countersigned by the city comptroller. Such orders shall be made payable to the order of the persons in whose favor they shall have been issued, and shall be the only vouchers of the city treasurer for the payments from the library fund. The said board of trustees shall provide for the purchase of books, supplies, fuel and other matters necessary for the maintenance of the library. *Provided, however*, that it shall not be lawful for said board of trustees to ex-

Proviso.

pend, or contract a liability for any sum in excess of the amount levied in any one year for the library fund, on account of such fund.

City to accept gifts.

SECTION 12. In case the Young Men's Association of the city of Milwaukee shall donate and transfer to the city of Milwaukee, its library, fixtures, furniture and other property for the purposes of a free public library, it shall be lawful for said city to accept such donation and transfer, and the board of trustees herein created shall assume the charge and control of said property. It shall, also, be lawful for said city to receive money, books and other property by devise, bequest or gift from any person or corporation for library purposes, and to employ or invest the same for the use and benefit of the public library, so far as practicable, in conformity with the conditions and terms of such devise, bequest or gift.

Duty of mayor.

SECTION 13. In case said Young Men's Association shall make the transfer and donation mentioned in the preceding section, and said city shall accept the same before the date of the annual meeting, in May, 1878, as provided in this act, then immediately upon such transfer and acceptance, it shall be the duty of the mayor to appoint three aldermen, who, together with the trustees hereinbefore designated by name, and the president of the school board of said city, and the superintendent of public schools, shall constitute a temporary board of trustees, who, until the time of such annual meeting, shall be clothed with all the powers and responsibilities hereinbefore provided, and shall assume the charge, control and management of the property thus donated and accepted, and shall hold and manage the same as provided in this act.

SECTION 14. This act shall take effect and be in force from and after its passage and publication.

Approved February 7, 1878.

[No. 119, A.] [Published February 12, 1878.]

CHAPTER 8.

AN ACT to amend chapter three hundred and ninety-four of the laws of 1851, incorporating the Madison Mutual Insurance Company, approved March 17, 1851, and the acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Sections one and sixteen of chapter three hundred and ninety-four of laws of 1851, entitled, "An act to incorporate the Madison Mutual Insurance Company," are hereby amended by striking out the words "mutual" where they occur, and inserting the word "fire" in lieu thereof; and hereafter the said corporation shall be known and designated by the name of the Madison Fire Insurance Company. Amended.

SECTION 2 Wherever the words "Madison Mutual Insurance Company" occur in any acts or parts of acts amendatory of said chapter three hundred and ninety-four of the laws of 1851, or in any acts relating to said corporation, the same shall hereafter be taken to read "Madison Fire Insurance Company."

SECTION 3. Nothing herein contained shall be taken or construed to enlarge or diminish the present rights, obligations or duties of said company, as created or conferred by said acts, or any laws of said state applicable to said company. Rights, obligations and duties of company not affected.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved February 7, 1878.

[No. 1. A.] [Published February 12, 1878.]

CHAPTER 9.

AN ACT authorizing the city of Hudson to issue bonds for the liquidation of indebtedness, and for other purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The common council of the city of Hudson is hereby authorized and empowered to issue bonds of said city to an amount not exceeding ten thousand dollars, for the purpose of paying and taking up the bonds and orders, of said city, that are outstand- Common council to issue bonds; how payable, etc.

ing and for no other purpose. Such bonds shall be payable in not less than one year, nor more than ten years from the date thereof, and bearing interest at a rate not exceeding ten per cent. per annum, which bonds shall be payable at the office of the city treasurer of the city of Hudson. And the interest thereon shall be payable on the first day of February in each year after the issuing of said bonds; *provided*, that no portion of the bonds to be issued, in pursuance of this act, shall be issued, or delivered, except upon the terms and conditions and in the manner prescribed by this act. *And provided*, that they may be made payable to some certain persons, therein designated, as payee or bearer, and, if so made payable, shall be negotiable by delivering without assignment or indorsement; *provided, further*, that said amount, including existing indebtedness of said city, shall not in the aggregate exceed five per centum on the value of the taxable property therein, to be ascertained by the last assessment for state and county taxes in said city previous to incurring such indebtedness.

Duty of mayor and clerk.

SECTION 2. Said bonds shall be signed by the mayor, and countersigned by the city clerk of said city, under the corporate seal thereof, and shall be in the hands of any *bona fide* holder of the same, full and complete evidence to establish the indebtedness of said city of Hudson, according to the tenor and effect of said bonds; *provided*, that no bonds shall be issued except by order of two-thirds of the common council of said city, and entered upon the record of their proceedings.

Duty of council.

SECTION 3. It shall be the duty of the common council of said city, to provide for the payment of the principal and interest on said bonds, and for that purpose, to levy an annual tax upon all the taxable property within the corporate limits of said city and not exceeding five mills on a dollar on the valuation of the taxable property to be collected in cash in the same manner that other taxes are collected; *provided*, that the overplus of said tax, after paying the principal and interest then due, shall be a sinking fund, to be kept for the purpose of paying the principal and interest of the said bonds that may hereafter become due.

Duty of treasurer.

SECTION 4. It shall be the duty of the treasurer of the city of Hudson to pay the interest and principal which shall become due upon the bonds of said city, issued under the provisions of this act, at such a time and place as shall be specified in said bonds.

SECTION 5. That hereafter the common council of said city, shall not have power in any one year to levy a tax for municipal purposes, except for school purposes, and as provided in section three of this act, greater than one-half of one per cent. on the assessed value of the property of said city, nor shall they contract debts or issue city orders to a greater amount each year than the tax allowed by law to be collected, except for the payment of bonds issued under this act, and then only a sufficient amount over one-half of one per cent. to meet such bonds and interest becoming due. Powers of council prescribed.

SECTION 6. The common council of said city is authorized to provide for the payment of bonds issued, in pursuance of this act, previous to the maturity thereof. Payment of bonds to be provided for.

SECTION 7. All acts and parts of acts, in so far as they contravene the provisions of this act, are hereby repealed.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved February 7, 1878.

[No. 184, A.] [Published February 14, 1878.]

CHAPTER 10.

AN ACT to legalize the official acts of the school board of education of school district number one of the city of Wausau.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

SECTION 1. All the official acts of the board of education of district number one in the city of Wausau, county of Marathon, from the first day of August, 1874, till the year 1877, inclusive, are hereby legalized and declared valid. Acts legalized.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 12, 1878.

[No. 334, A.] [Published February 15, 1878.]

CHAPTER 11.

AN ACT to reorganize the sixth and eighth judicial circuits.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Sixth judicial circuit.

SECTION 1. The counties of Clark, Jackson, Monroe, La Crosse and Vernon, are hereby detached from the sixth judicial circuit, and are attached to and shall constitute and be a part of the thirteenth judicial circuit. The counties of Buffalo and Eau Claire are hereby detached from the thirteenth judicial circuit and attached to and shall constitute and be a part of the eighth judicial circuit. The thirteenth judicial circuit shall hereafter be known as the sixth judicial circuit.

Eighth judicial circuit.

Thirteenth judicial circuit.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 13, 1878.

[No. 157, A.] [Published February 15, 1878.]

CHAPTER 12.

AN ACT relating to and amendatory of chapter sixteen of the private and local laws for the year 1872, entitled an act to incorporate the city of Eau Claire.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section three of chapter four of said chapter sixteen of the private and local laws of the state of Wisconsin for the year 1872 is hereby amended by adding thereto a new subdivision, to be known as subdivision twenty-eighth, and to read as follows: "28th. The common council of said city shall have power to authorize the building, construction and operation of street railways upon the streets and bridges in said city, for the carriage of passengers and freight through said city, and upon and over the streets and bridges therein, upon such terms and conditions as they shall impose; *provided*, that such street railway or railways shall be operated by animal power only."

SECTION 2. This act shall take effect and be in force from and after it passage.

Approved February 13, 1878.

[No. 21, A.] [Published February 15, 1878.]

CHAPTER 13.

AN ACT to authorize the judge of the third judicial circuit to appoint an additional court commissioner in the county of Winnebago.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The judge of the third judicial circuit is hereby authorized to appoint one court commissioner in the county of Winnebago, in addition to the three commissioners now authorized by law to be appointed therein; and hereafter, whenever vacancies may occur in such office, the said judge may fill the same by appointment in the manner now provided by law. Circuit judge authorized to appoint commissioner.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 13, 1878.

[No. 148, A.] [Published February 15, 1878.]

CHAPTER 14.

AN ACT to provide for the purchase of additional copies of the legislative manual.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the general fund not otherwise appropriated, a sum of money sufficient to pay for the additional copies of the legislative manual for 1878, ordered by joint resolution number eleven, senate. *Provided*, that the cost of such manuals shall not exceed one dollar and seventy-five cents per copy, except those in extra binding, which shall be paid for at the regular trade rates for such work. Appropriation. Proviso.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 14, 1878.

[No. 125, S.] [Published February 18, 1878.]

CHAPTER 15.

AN ACT to provide for the compensation of the clerk of committee on revision of the laws.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Compensation of clerk.

SECTION 1. The clerk heretofore authorized to be employed by the joint committee on the revision of the laws, appointed at the session of 1878, shall be paid the sum of five dollars per diem from the date of the appointment of said committee.

SECTION 2. There is hereby appropriated from the state treasury a sum sufficient to carry out the provisions of this act.

SECTION 3. This act shall be in force and take effect from and after its passage.

Approved February 15, 1878.

[No. 8, S.] [Published February 18, 1878.]

CHAPTER 16.

AN ACT to ratify, confirm and make valid the acts and contracts of the state timber agents therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Acts of Sam. Harriman.

SECTION 1. That that certain sale of logs made by Sam. Harriman, as state agent, on the 25th day of July, 1873, or at any other time, and especially that sale made by him to Torinus, Staples & Co., or to Louis E. Torinus, I. Edwin Staples, William A. Bronson and Martin Mower, or to any or either of them, and all and singular, the terms of such sale, whether upon credit or otherwise; also, all sales of grass on meadow lands, and all and singular, the terms of such sales, whether upon credit or otherwise, heretofore made by H. A. Taylor, as state agent, to D. F. and Eugene Smith, or to any other person or persons, are in all respects hereby ratified, made valid and confirmed from the date of such sale or sales; and all and every promissory note, bill, draft, chose in action, security and evidence of debt, of whatever character, heretofore taken by them or by the state of Wisconsin, or at any time

Act of H. A. Taylor.

acquired by said state, in consideration of, or on account of, or in any way relating to such sale or sales, are hereby ratified, adopted, confirmed and made valid in all respects from the date of such sale or sales, or from the date of such writing, are fully, in all respects, as if the said Harriman and said Taylor always had full authority to make such sale or sales, for cash or upon credit, as they migh elect, and to take such promissory note, bill, draft, chose in action, security or evidence of debt.

Liability of agents not affected.

SECTION 2. This act shall in no way discharge any liability heretofore existing on the part of the agents aforesaid to the state.

SECTION 3. This act shall be in force from and after its passage and publication.

Approved February 15, 1878.

[No. 1, S.] [Published February 18, 1878.]

CHAPTER 17.

AN ACT to authorize the county of Jackson to borrow money.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authority of commissioners of school and university lands.

SECTION 1. The commissioners of school and university lands are hereby authorized to loan a portion of the trust funds of this state, not exceeding twenty thousand dollars, to the county board of supervisors of the county of Jackson, in this state, for the purpose of constructing a jail and court house, and the said board of supervisors is hereby authorized to borrow a sum, not exceeding twenty thousand dollars, of said commissioners, and to issue to said commissioners certificates of the indebtedness so contracted. Said indebtedness shall bear interest at the rate of seven (7) per cent. per annum, and said interest shall be paid annually, together with not less than one-tenth of the principal sum, after the first ten years, until the whole is paid.

Duty of secretary of state.

SECTION 2. Each and every year hereafter, and until the whole loan, principal and interest, shall be paid, the secretary of state shall, when he apportions the state taxes among the several counties, add to the state tax which would be properly chargeable to said county of Jackson, the annual interest due the state on said loan, and after the loan has existed ten years, shall also

add ten per cent. of the principal sum so loaned as aforesaid, and the same shall be levied and collected out of the taxable property of said county, and paid over to the state in the same way as other state taxes are collected and paid.

Duty of board of supervisors.

SECTION 3. At the time and in the manner provided for levying taxes for state and county purposes, the board of supervisors of said county of Jackson shall annually levy the amount of money required for the payment of the annual interest for the current year, and after the loan has run ten years, and not less than one-tenth of the principal sum loaned by the commissioners of school and university lands to the county board of supervisors of the county of Jackson in addition to the sum needed, for annual interest, as provided for in the preceding sections of this act.

Power of county prescribed.

SECTION 4. And it is further provided that the said county of Jackson shall never, during the period which said bonds shall remain unpaid, become indebted, or contract debts for a greater amount, including debts already contracted, as well as that herein referred to, than five per cent. of the average taxable property as the same shall appear from the last two assessment rolls.

County board to file acceptance.

SECTION 5. Before contracting any debt, and before any of said funds shall be delivered to said county in exchange for said certificate of indebtedness, the county board of supervisors of said county of Jackson shall file with the secretary of state an acceptance of the provisions of this act, and of the terms and limitations herein provided for.

SECTION 6. This act shall take effect and be in force from and after its passage.

Approved February 15, 1878.

[No. 53, S.] [Published February 18, 1878.]

CHAPTER 18.

AN ACT authorizing the board of supervisors of the village of Elkhorn, in the county of Walworth, to sell a portion of their cemetery grounds and to improve the remainder.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authority of board of supervisors.

SECTION 1. The board of supervisors of the village of Elkhorn, in the county of Walworth, are hereby authorized to sell and convey so much of the cemetery

grounds belonging to said village as may be deemed necessary to raise money to fence and improve the remainder of said grounds.

SECTION 2. The said board of supervisors are hereby authorized, with the consent of the owners or occupants of lots in said grounds, to sell and convey the whole of said grounds; the proceeds of such sale to be used in the purchase of lots in the cemetery grounds belonging to the Elkhorn Cemetery Association, called "Hazel Ridge Cemetery," and in removing the bodies of deceased persons from the old cemetery to Hazel Ridge Cemetery, or to such other places of burial as the friends of such deceased persons may require. Consent of owners of cemetery lots to be obtained.

SECTION 3. The consent required by section two of this act, of all persons residing in the county of Walworth, if known, shall be in writing, and filed in the office of the village clerk, in said village of Elkhorn; and all other persons whose consent is required, and whose places of residence are unknown, and those who may reside beyond the limits of said county, shall be deemed to have given their consent unless within sixty days from the passage of this act, they shall, in writing, express their dissent. Consent of owners to be in writing, etc.

SECTION 4. The conveyance of said grounds, or any part thereof, shall be executed in the name of the village of Elkhorn, and signed by the chairman of the village board of supervisors, and attested by the clerk of said village. Conveyance of title, etc.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved February 15, 1878.

[No. 26, S.] [Published February 19, 1878.]

CHAPTER 19.

AN ACT to provide for the election of two associate justices of the supreme court of the state of Wisconsin.

WHEREAS, The legislature of this state, at the annual session for the year 1876, proposed and adopted, by a vote of a majority of the members elected to each of the two houses, an amendment to the constitution of this state, in the following language: Preamble.

"*Resolved by the senate, the assembly concurring,* That section four of article seven of the constitution be amended so as to read: 'Section 4. The supreme Resolution of 1876.

court shall consist of one chief justice and four associate justices, to be elected by the qualified electors of the state. The legislature shall, at its first session after the adoption of this amendment, provide by law for the election of two associate justices of said court, to hold their offices respectively for terms ending two and four years respectively, after the end of the term of the justices of the court then last to expire. And thereafter the chief justice and associate justices of said court shall be elected and hold their offices respectively for the term of ten years;' and,

Preamble.

WHEREAS, the foregoing proposed amendment to the constitution of the state was duly ratified and agreed to by the legislature of 1877, and duly submitted to the people of the state of Wisconsin for approval and ratification at the general election, held in said state, November, 1877, and was, by the majority of the electors of said state voting thereon at said election, approved and ratified; and

WHEREAS, Said amendment has now become a part of the constitution of the state of Wisconsin; therefore:

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Associate justices; when to be elected.

SECTION 1 There shall be chosen by the qualified electors of this state, at an election to be held at the several cities, villages, towns and elections precincts of the state of Wisconsin, on the first Tuesday of April, 1878, two associate justices of the supreme court of the state of Wisconsin, to hold their offices respectively for terms ending two and four years, on and after the first Monday of January, 1884; and thereafter the chief justice and associate justices of said court, shall be elected to hold their offices respectively for the term of ten years.

Form of ballot.

SECTION 2. The ballot to be used or cast at such election for associate justices may be written or printed, and shall contain the names of two persons legally qualified to hold judicial office in this state. Over the name of the first person on such ballot shall be written or printed the words: "For associate justice of supreme court for the term ending on the first Monday of January, 1888." Over the name of the second person on said ballot, the words, written or printed: "For associate justice of supreme court for the term ending on the first Monday in January, 1886. "Said ballots for associate justices shall be cast in a separate box, to be provided at each election precinct for that purpose.

SECTION 3. The persons duly elected at such election may qualify as soon as the result of such election is is officially declared, and shall enter upon the discharge of the duties of their respective offices, upon their election and qualification, pursuant to law. The secretary of state shall give the substance of the preamble to this act, together with the act itself, in the notice of said judicial election, such notice to be given in the same way and manner as now provided by law for notice of election of judges of the supreme court.

Person elected may qualify.

Duty of secretary of state.

SECTION 4. The votes cast for said justices shall be counted and returned by the inspectors of the election in all respects as votes for state officers are counted and returned, and the officers in counties now designated by law to canvass the returns of votes for state officers shall canvass the returns in their respective counties on said election, and certify and return the result to the state canvassers at the same time and places, and under the same regulations and restrictions now provided by law for canvassing and declaring the returns for elections of state officers, and the state canvassers shall canvass said returns certified to them as provided by law in case of elections for state judicial officers. The provisions of any election registry act of this state shall not apply to said judicial election.

Votes to be counted, etc.

SECTION 5. This act shall take effect from and after its passage and publication.

Approved February 15, 1878.

[No. 39, A.] [Published February 20, 1878.]

CHAPTER 20.

AN ACT to constitute the clerk of the circuit court of Eau Claire county, Wisconsin, clerk of the county court of said county, in probate and all other proceedings therein.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The clerk of the circuit court of the county of Eau Claire shall hereafter be clerk of the county court of said county of Eau Claire, in matters pertaining to the probate of wills, administration and settlements of estates, guardianship of minors and others, and all matters and proceedings of which said county court, or the judge thereof, has lawful jurisdiction. And in relation to all such matters and proceedings, shall have and exercise the powers and perform all the

Clerk of circuit court to act as clerk of county court.

duties of clerk of said county court, under the direction of the judge of said county court.

County judge authorized to transfer the custody of records, etc.

SECTION 2. The judge of said county court may transfer to said clerk the custody of the seal, and of all the books, records, files and papers of said county court, and the said clerk shall thereafter be the lawful custodian of the seal, books, records, papers and documents of said county court, as fully and to the same extent as he is the custodian of such seal, records, and papers of the circuit court of said county; and said county judge and his bondsmen shall be responsible for the acts of said clerk in the discharge of all his duties as clerk of such county court, under the provisions of this act.

Duty of clerk.

SECTION 3. All papers hereafter filed in said county court shall be filed by said clerk. He shall keep all the books, records, all orders and other matters required by law to be kept or recorded in said county court, and all copies of the files, records or proceedings of said court, certified by said clerk, under the seal of said court, and all the certificates of probate, of administration or guardianship attested by him, shall be legal and competent evidence in all courts, and to the same extent as those heretofore executed and attested under the seal of said court by the judges thereof.

Papers to be signed by county judge, etc.

SECTION 4. All writs, processes, orders and letters testamentary, of administration or guardianship, issued out of said county court, shall be signed by the judge of said court, under the seal thereof, or attested in the name of the judge of said court, under the seal thereof, and signed by said clerk.

Compensation of clerk.

SECTION 5. The said clerk shall receive for all services rendered and performed by him, under the provisions of this act, in the administration of the estates of deceased persons, and in the appointment of guardians to minors, the same fees as are allowed by law for similar services in the circuit court, to be paid from the county treasury; *provided*, that the aggregate amount of such fees, to be so taxed and paid in any one year, shall not exceed two hundred dollars.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Received by the governor February 13, 1878.
Received by the secretary of state February 19, 1878.

NOTE BY THE SECRETARY OF STATE.—The foregoing act having been presented to the Governor for his approval, and not having been returned by him to the house of the legislature in which it originated within the time prescribed by the constitution of the state, has become a law without his approval.

[No. 48, A.] [Published February 26, 1878.]

CHAPTER 21.

AN ACT to legalize the actions of joint school district number twelve (12), of the towns of Berlin and Nepeuskun, in the counties of Green Lake and Winnebago.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All the acts of joint school district number twelve (12) of the towns of Berlin and Nepeuskun, in the counties of Green Lake and Winnebago, state of Wisconsin, at a school district meeting, held in said district on the first Monday in September, 1877 (instead of the last Monday in August, as the law directs), are hereby declared legal and valid, and the officers elected thereat are hereby declared to be the legal officers thereof, anything to the contrary notwithstanding; and all official acts of the officers elected at said meeting above mentioned shall be held to be as legal and binding as though they had been elected at the regular annual meeting of said district. Acts legalized.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 21, 1878.

[No. 42, A.] [Published February 26, 1878.]

CHAPTER 22.

AN ACT to appropriate to the Manitowoc County Central Agricultural Society, a sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the general fund not otherwise appropriated, the sum of one hundred dollars, for the benefit of the Manitowoc County Central Agricultural Society for the year 1876. Appropriation.

SECTION 2. This act shall take effect and be in force from and after it passage.

Approved February 21, 1878.

[No. 36, A.] [Published February 26, 1878.]

CHAPTER 23.

AN ACT to legalize the annual meetings of school districts in town of Lakeland, Barron county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Acts legalized.

SECTION 1. All the business transacted in the several school districts in the town of Lakeland, Barron county, at their annual meetings, held on the last Monday of August in each year, 1876 and 1877, is hereby declared as legal, for all purposes, as though the said meetings had been held on the last Monday of September, or a copy of the proceeding of said districts changing the time for holding the annual meeting, as provided by law, had been filed with the town clerk of said town.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 21, 1878.

[No. 54, A.] [Published February 26, 1878.]

CHAPTER 24.

AN ACT to authorize the city of Milwaukee to refund the cost of grading and paving certain gutters in 1874.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authority of common council.

SECTION 1. The common council of the city of Milwaukee is hereby authorized to refund to all persons, who have heretofore paid, or may hereafter pay any sum of money on account of the grading and paving of the gutters on Third street, between Cherry and Harmon streets in the sixth ward of said city, in the year 1874, the sum and sums of money so paid or to be paid by such persons respectively. Any and all sums refunded under this act shall be charged to and paid out of the ward fund of the sixth ward of said city.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 21, 1878.

[No. 129, A.] [Published February 26, 1878.]

CHAPTER 25.

AN ACT to appropriate to the Institute for the Education of the Deaf and Dumb a sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated to the Institute for the Education of the Deaf and Dumb, out of any money in the general fund not otherwise appropriated, the sum of thirty thousand dollars, being in full for current expenses, improvements and miscellaneous purposes for the year ending February 28, 1879. Appropriation.

SECTION 2. All sums of money appropriated by this act may be drawn quarterly in advance.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved February 21, 1878.

[No. 66, A.] [Published February 26, 1878.]

CHAPTER 26.

AN ACT to amend section five of chapter ninety-eight of the laws of Wisconsin, approved February twenty-eight, one thousand eight hundred and seventy-seven, entitled, "An act regulating the salary of the county judge of Milwaukee county."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section five of chapter ninety-eight of the laws of the state of Wisconsin for the year one thousand eight hundred and seventy-seven, is hereby amended so as to read as follows: Section 5. All acts and parts of acts conflicting with the provisions of this act are hereby repealed; *provided, however*, that the provisions of this act shall not apply to cases and matters pending and undetermined in said county court of Milwaukee county in probate, on the thirty-first day of December, one thousand eight hundred and seventy-seven; *provided further, however*, that the fees for services done by the county judge and clerk in such cases and matters after that date, shall be paid into the county treasury. Amendment. Proviso.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 21, 1878.

[No. 56, A.] [Published February 26, 1878.]

CHAPTER 27.

AN ACT to authorize the city of Milwaukee to raise a special tax in the south sewerage district.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authority of council to levy tax; amount, etc.

SECTION 1. The common council of the city of Milwaukee is hereby authorized to levy and raise by taxation upon all taxable property, real and personal, within the south sewerage district of said city, in addition to the amount authorized to be raised for a sewerage fund in said district, the sum of two thousand dollars, and to transfer said sum to the credit of the contingent fund of said city, the same having been advanced under a resolution of the said common council adopted on the twenty-seventh day of August, one thousand eight hundred and seventy-seven, by said contingent fund to said sewerage fund, for the purpose of continuing the construction of the sewer in Mineral street, from the present terminus of the same, between Clinton and Barclay streets to a point twelve feet east of Barclay street, in the Fifth ward, and in Eleventh avenue from Pierce street to Elizabeth street, in the Eighth ward of said city.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 21, 1878.

[No. 70, A.] [Published February 26, 1878.]

CHAPTER 28.

AN ACT to authorize the town board of supervisors of the town of Hartford, Washington county, Wisconsin, to borrow a sum money and to provide for the payment of the same.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The board of supervisors for the town of Hartford, Washington county, Wisconsin, is hereby authorized to borrow money, and to pledge the credit of the town for the payment thereof, to the extent of five hundred dollars, and for that purpose the said board may enter into a contract, bond or note, for that sum, which said contract, bond, or note, shall be signed by the chairman and clerk of said town as such, when so executed and delivered, and the amount thereof placed in the hands of the town treasurer. The said contract, bond or note, shall be a legal charge and obligation against said town; *provided*, that the indebtedness authorized, together with all the existing indebtedness of said town, shall not exceed five per centum of the assessed valuation of all the taxable property of said town, as the same shall be ascertained by the last assessment for state and county taxes previous to the incurring of said indebtedness.

Authorty of board of supervisors to borrow; amount, etc.

Duty of chairman and clerk.

SECTION 2. The money authorized to be borrowed by the preceding section of this act shall be due on the tenth day of January, 1879. And the town clerk in making the tax roll for the year 1878 shall assess and carry out on said roll, besides the other taxes authorized to be entered thereon, a sum sufficient to pay said contract, bond or note when due, including interest, which said sum when collected, and on or before the tenth day of January, 1879, shall be used by said treasurer to discharge said indebtedness.

Payments—when due.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 21, 1878.

[No. 173, A.] [Published February 26, 1878.]

CHAPTER 29.

AN ACT relating to the charter of the city of Prairie du Chien, and amendatory of chapter twenty-one of the private and local laws of 1872, entitled, "An act to incorporate the city of Prairie du Chien;" also chapter fifty-nine of the general laws of 1873, entitled, "An act to revise the charter of the city of Prairie du Chien."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

City boundaries

SECTION 1. The boundaries of said city are hereby so extended as to include in the limits of said city lot one (1), in section thirty-one (31), and lots one (1) and two (2), in section thirty-two (32), in township seven (7) north, of range six (6) west.

Powers and duties of common council.

SECTION 2. The common council shall have the care and superintendence of the streets, highways and bridges in said city, and the office of street commissioner is hereby abolished.

Expenditures for highway and bridge purposes, etc.

SECTION 3. No greater sum than three hundred dollars shall be expended in any one year by said city in repairing streets, highways and bridges, in said city; *provided, however*, that if it shall be necessary to repair or rebuild the bridge across the Marais de St. Ferriole in said city, a sum sufficient therefor may be expended, notwithstanding the above limitation.

Representation of city on county board.

SECTION 4. The city of Prairie du Chien shall be represented in the board of supervisors of the county of Crawford in the following manner only, to wit: by one supervisor from each ward of said city, who shall be a member of the county board of said county and as such is hereby authorized to sit in the said county board. Said supervisor shall be a resident of the ward from which he is elected, and shall be elected in the same manner as aldermen are elected in said city on the first Tuesday of April in each year, and when so elected shall hold such office of supervisor for one year and until his successor shall be elected. In the event of a vacancy in the office of such supervisor in any ward in said city by death, removal, or other disability, the common council shall order a new election to fill such vacancy, and shall give five days' notice thereof.

SECTION 5. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 6. This act shall take effect and be in force from and after its passage.

Approved February 21, 1878.

[No. 100, A.] [Published February 26, 1878.]

CHAPTER 30.

AN ACT to legalize the action of the board of supervisors of Pierce county.

The people of the state of Wisconsin, represented in senate and assembly do enact as follows:

SECTION 1. The action of the county board of supervisors of Pierce county, at an adjourned session held in December, 1877, exonerating M. J. Paine, county treasurer, and his bondsmen, from all liability for the balance due Pierce county from Miller & Westfall, is hereby legalized and declared to be of full force and effect. Act legalized.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 21, 1878.

[No. 71, A.] [Published February 26, 1878.]

CHAPTER 31.

AN ACT to legalize the contract for the building of a bridge on Fourth street, in the city of Racine, and to provide for the payment thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The contract entered into by the mayor and common council of the city of Racine for the erection of an iron bridge across Root river, from Fourth street to Bridge street, is hereby confirmed and legalized; and the common council shall have authority to provide for paying for said bridge, by appropriating available or surplus sums from the harbor fund for that purpose. Acts legalized.

SECTION 2. The common council of the city of Racine shall have power to levy, at the next annual levy of taxes, a special tax, not exceeding the sum of seven thousand two hundred dollars, to repay to the several general funds the amounts appropriated therefrom for the building of Fourth street bridge. Authority of council to levy tax; amount.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 21, 1878.

[No. 180, A.] [Published February 27, 1878.]

CHAPTER 32.

AN ACT to empower the common council of the city of Beloit to provide security against loss by fire in said city.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authority of council.

SECTION 1. The common council of the city of Beloit is hereby authorized and empowered to lay water pipes through any or all of the public streets, alleys and grounds of said city, and may construct fire hydrants at such places in said city as the common council may determine, and the said common council may purchase or lease for said city, water power, water wheels, force pumps, hose, and such other machinery or materials as may be necessary or convenient, from time to time, for the purposes of this act.

Plans and estimates to be filed.

SECTION 2. Whenever the common council shall determine to lay any water pipe, it shall direct the city engineer, or, if there be no city engineer, or, if from any cause the city engineer is unable to act, some competent person, to make a plan of the work to be done, with an estimate of the cost of the work, and of the water pipes and fire hydrants connected therewith, and the said plan and estimate of the cost shall be filed with the city clerk.

Expense—how paid.

SECTION 3. The necessary cost and expense of all water pipe and fire hydrants connected therewith, and of properly placing the same in condition for use, shall be paid by the owners of the property benefited by such improvement; all other costs and expenses incurred by the common council under this act, shall be paid out of the general fund in the city treasury; and the common council of said city is hereby authorized to levy, by tax upon the taxable property of said city, from time to time, such sum as shall be sufficient to pay such cost and expense, in addition to the taxes now authorized by law to be levied in said city; *provided*, that there shall not be levied or collected by tax upon the property of the whole city in any one year, for the purposes specified in this act, a sum exceeding one-fifth of one per cent. upon the taxable property in said city, as the same appears from the corrected assessment roll in said city.

Proviso.

Damages and benefits—how determined.

SECTION 4. After the plan and estimate mentioned in section two of this act shall have been filed with the

city clerk, the damages and benefits by reason thereof to all parties interested, shall be determined by a jury to be appointed and selected by order of the common council, as is hereinafter provided.

SECTION 5. Whenever the common council shall order a jury for the purposes specified in this act, the city clerk shall give notice of the time and place of striking said jury, by publishing the same in the city newspaper, not less than ten days before the time of striking of such jury; and at the time and place designated in said notice, the city clerk shall write out a list of the names of eighteen freeholders of the city, neither of whom shall be the owner of any lot or land abutting upon the streets or alley where such water pipe is to be laid, from which list the said clerk and the person or persons, who are the owners or occupants of the said abutting lots or land, or some part or portion thereof, or some one or more of said persons shall alternately strike names from said list until the said clerk shall have stricken out of said list six names and the other party or parties shall have stricken six names from said list, and the remaining six persons named on said list shall constitute a jury, whose duty it shall be to assess the damages and benefits to all parties interested; provided, that in case no person appear, to strike a jury, or appearing, refuse so to strike, then the city clerk shall strike out twelve names from said list and the remaining six shall constitute the said jury. Notice to be given.

SECTION 6. In case any member of said jury, drawn and stricken in the manner provided in the last section, shall refuse or neglect to serve, or shall be or become incompetent to act at any time before the first report of said jury, of their acts to the common council, the mayor, or the acting mayor, and the city clerk may, without notice, substitute some other competent person or persons in the place of the person or persons neglecting or refusing to act upon such jury, or who may be incompetent to serve upon such jury. Refusal or neglect of juryman to act; how obviated.

SECTION 7. After the jury is selected in the manner hereinbefore provided, it shall view the premises where it is proposed to lay said water pipe, and in its discretion it may receive any evidence offered by parties interested, and, if necessary, may adjourn from time to time. Jury to view premises.

SECTION 8. The said jury shall determine and assess the damages to any lands where the said water pipe is to be laid, and the injury to the ownerby reason of laying of said pipe, and thereafter maintaining and Damages to be determined.

using the same, which sum shall be awarded to the owner as damages.

Damages and costs to be assessed upon property benefited.

SECTION 9. Having ascertained the damages and the expenses of laying such water pipes, with fire hydrants attached, with the cost of the proceedings, the jury shall thereupon apportion and assess the same (together with the costs of the proceedings), upon the real estate in said city by the jury deemed benefited, in proportion to the benefits resulting thereto from the laying of said water pipe, as nearly as may be, and they shall describe the real estate upon which their assessment may be made. When completed, the jury shall sign the same, and it shall return the same to the city clerk within thirty days from the time of their appointment.

Assessment may be modified.

SECTION 10. The city clerk shall give notice, of not less than ten days in the city paper, that the report of said jury has been filed with him, and that on a day to be specified in said notice, the same will be considered by the common council. Objections may be heard by the common council, and the hearing may be adjourned by the council from time to time, and the council may confirm the said report and assessment, and it may alter or modify the same and confirm the same as so altered or modified by it. The council may also, in its discretion, refer the matter back to the same jury or to another jury, to be selected in the manner hereinbefore provided.

Tax to be a lien upon real estate

Section 11. All benefits assessed upon any real estate, pursuant to the provisions of this act, shall be a lien upon the real estate upon which the same is so assessed; and the owner of any real estate upon which any sum is assessed as benefits shall pay the amount of this assessment respectively to the city treasurer, within thirty days after the confirmation of the same by the common council, and in case of the neglect or failure of any person or party to pay any such assessment as provided in this act, the amount of such assessment shall be placed by the city clerk in the next tax roll against the real estate upon which it was assessed, with interest at ten per cent. from the confirmation of the assessment to the date of the treasurer's warrant annexed to such tax list; and the same shall be collected in the same manner as other taxes against such real estate upon such tax list, and the moneys when collected shall be paid, by the officers receiving the same, to the treasurer of the city of Beloit.

SECTION 12. The city clerk shall forthwith, upon the confirmation of any assessment of the jury, deliver to the city treasurer the names of the persons against whom such assessments have been made, and the amount of such assessment respectively, and after the expiration of thirty days from the confirmation of the assessment by the common council, the said treasurer shall return the said list so furnished him by the clerk, with the amount received by him thereon, and the names of the persons by whom the same was paid, and the sums paid by such persons respectively, and the clerk shall lay the same before the common council and charge the treasurer with the amount so collected by him. Tax to be collected by city treasurer.

SECTION 13. It shall be competent for the common council after it has determined to lay water pipe, to compromise with any person or party claiming damage, as to the amount of damages to be paid to such person or party, and in such case it shall only be necessary for the jury to assess the benefits as to the lands and premises of such person or party as is hereinbefore provided. Council may compromise.

SECTION 14. Any person interested in any real estate affected by any assessment of damages or of benefits, pursuant to the provisions of this act, may appeal from the final order of the common council confirming such assessment, to the circuit court for Rock county, within twenty days after such order of confirmation, by giving notice of such appeal to the mayor or city clerk of said city, and by giving bond, with sufficient securities, to the city in a penalty of not less than two hundred dollars, to be approved by the mayor or city clerk, conditioned to pay all costs of such appeal in case the court upon such appeal shall not increase the amount of compensation awarded to the appellant as damages, or decrease the amount assessed upon his premises as benefits, as the case may be. Either party upon the trial of such appeal in the circuit court shall be entitled to a jury. Appeal may be taken.

SECTION 15. This act shall take effect and be in force from and after its passage and publication.

Approved February 21, 1878.

[No. 20, S.] [Published February 26, 1878.]

CHAPTER 33.

AN ACT authorizing and requiring the Wisconsin Farm Mortgage Land Commissioners appointed under chapter 446 of the private and local laws of 1868, to extend the benefits of said act to certain other parties equitably entitled thereto.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authority of commissioners

SECTION 1. The Wisconsin Farm Mortgage Land Commissioners, appointed under chapter 446 of the private and local laws of 1868, are hereby authorized and required to extend the benefits of such act until the 1st day of May, 1878, for the purpose of allowing said commissioners to consider any other claims justly coming within the provisions of said act.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 23, 1878.

[No. 13, S.] [Published February 27, 1878.]

CHAPTER 34.

AN ACT to provide for the collection of special taxes in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authority of town supervisors; duty of clerk, etc.

SECTION 1. Whenever the qualified electors of any town, at any legal meeting, shall have voted to raise money for the purpose of building or repairing any bridge or town-house or other special purpose, to the amount of one thousand dollars or more, more than six months previous to the time for the completion and delivery to the town treasurer for collection of the next regular annual tax roll of such town, the supervisors of such town may, in their discretion, require the clerk of such town to make out a tax roll by copying the last regular annual tax-roll of said town, excepting the taxes specified therein, and upon the roll so made out, to apportion and carry out the special tax so voted to be raised. The said clerk shall attach to said roll, when completed, a warrant in the usual form, excepting that such warrant shall require the treasurer to re-

tain and pay out as town treasurer, according to law, the whole of the taxes collected by him by virtue thereof, and to make return of said warrant, with said roll annexed, to said town clerks, with his doings thereon, within sixty days.

Duty of town treasurer.

SECTION 2. The town treasurer shall execute a bond to the supervisors of the town, in a sum double the amount of such tax, with sureties, to be approved by the chairman of said supervisiors, conditioned that he will faithfully account for and pay over, according to law, all moneys that shall come into his hands as such treasurer, under and by virtue of said warrant.

Tax—how collected.

SECTION 3. The clerk shall thereupon deliver said tax roll and warrant to the treasurer, and the said treasurer shall proceed to collect the same in the same manner that general taxes are collected.

Same.

SECTION 4. If the treasurer shall be unable to collect any part of said taxes, he shall return to the town clerk a list of such delinquent and uncollected taxes, under oath, in the usual form, and the said clerk shall add such delinquent taxes to the taxes against the same property and persons, in the next regular annual tax roll of such town, and the same shall be collected in the same manner as the other taxes in said annual tax roll.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approveed February 23, 1878.

[No. 162, S.] [Published February 27, 1878.]

CHAPTER 35.

AN ACT to regulate the time of holding the general and special terms of the circuit court for the sixth judicial circuit.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

General terms.

SECTION 1. The general terms of the circuit court in the sixth judicial circuit shall hereafter be held in each year as follows: In the county of Jackson on the third Monday of March and third Monday of September; in the county of Clark on the first Monday of March and first Monday of September; in the county of Vernon on the fourth Monday of April and fourth Monday of October; in the county of La Crosse on the

second Monday of May and second Monday of November; in the county of Monroe on the first Monday of April and first Monday of October; in the county of Trempealeau on the second Monday of June and the second Monday of December: *provided*, that the first term of the circuit court for Clark county, after the passage of this act, shall be held on the third Monday in April, 1878, as now provided by law.

Special terms.

SECTION 2. All general terms held in the counties of La Crosse, Monroe, Jackson and Trempealeau shall be special terms for the entire circuit, and there shall be held in the county of Monroe, on the first Monday in January in each year, a special term for the circuit. At any special term of said court herein provided for, any and all business may be done arising in any county of the circuit, which might be done at any general term, except the trial of issues of fact by a jury in cases other than those arising in actions of *quo warranto* and *mandamus*, and excepting, also, the trial of issues of fact in actions made local by law, and arising in some county other than the one in which such special term shall be held.

Act repealed

SECTION 3. Chapter one of the laws of Wisconsin of 1877, entitled "an act to regulate the time of holding the general and special terms of the circuit court in the sixth judicial circuit," excepting so far as it relates to the term of court to be held in Clark county on the third Monday in April, 1878, and all other laws providing for any general or special terms of said court other than as herein set down, and all acts and parts of acts inconsistent with or contravening the provisions of this act, are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved February 23, 1878.

[No. 6, S.] [Published February 20, 1878.]

CHAPTER 36.

AN ACT relating to the health department of the city of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Mayor to appoint commissioner.

SECTION 1. It shall be the duty of the mayor of the city of Milwaukee to appoint on the third Tues-

day of April, 1878, and biennially thereafter, subject to confirmation by the common council of said city, a commissioner of health, whose duty it shall be to examine into and consider all measures necessary to the preservation of the public health in said city, and to see that all ordinances and regulations in relation thereto be observed and enforced.

Duty of commissioner.

SECTION 2. Such commissioner shall, before he enters upon the duties of his office, take and subscribe the usual oath of office; and shall receive for his services such salary as the common council of said city by ordinance fix and determine.

Vacancy—how filled.

SECTION 3. Any vacancy in the office of commissioner of health shall be filled by appointment of the mayor with the approval of said common council; such appointment to be for the unexpired term.

Power of commissioner.

SECTION 4. The commissioner of health shall have power to appoint, subject to confirmation by said common council, such assistants, clerks, agents and workmen, as may be necessary for the proper discharge of his duties, and they shall receive such salary or compensation for their services as said common council may fix.

Same.

SECTION 5. All powers vested in the board of health and the health officer of said city, are hereby conferred upon the commissioner of health, and all the duties of said board and of said health officer shall, from and after the taking effect of this act, devolve upon and be vested in the said commissioner of health.

Acts repealed.

SECTION 6. Sections one, two and three of subchapter thirteen of chapter one hundred and eighty-four, or the laws of 1874, entitled "An act to revise, consolidate and amend the charter of the city of Milwaukee, approved February 20, 1852, and the several acts amendatory thereof;" also chapter three hundred and sixty-nine of the laws of 1876, amendatory of said chapter one hundred and eighty-four, and all other acts and parts of acts contravening the provisions of this act, are hereby repealed.

SECTION 7. This act shall take effect on the 15th day of April, A. D. 1878.

Approved February 23, 1878.

[No. 143, A.] [Published February 27, 1878.]

CHAPTER 37.

AN ACT in relation to the establishment of a firemen's relief fund in the city of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Money, donations, etc., to be paid into city treasury.

SECTION 1. All moneys received by the chief engineer of the fire department of the city of Milwaukee, as donations or presents to said fire department, and now in his hands, and all donations and presents hereafter received by such chief engineer of the fire department in his official capacity, shall be paid into the city treasury of the city of Milwaukee, and shall constitute a fund to be called the "Firemen's Relief Fund," and the persons who shall from time to time fill the offices of mayor, chief engineer and first assistant engineer of the fire department of said city of Milwaukee, are hereby declared the trustees of said fund.

Per cent. deducted from salaries.

SECTION 2. The officers and members of the fire department of said city of Milwaukee shall suffer a deduction of one-half of one per cent. of their respective salaries as often as paid to them, and the treasurer of said city shall pay into the firemen's relief fund the money so deducted.

Relief of sick and disabled, etc.

SECTION 3. Whenever any officer or member of the fire department of the city of Milwaukee, while a member thereof in good standing, shall become sick and disabled, he shall be entitled to receive during the time his sickness or disability continues, such relief out of said fund as may be fixed upon in the rules and regulations to be adopted as hereinafter provided. And in case of death of any officer or member of said fire department, his survivors shall also be entitled to receive such relief as may be provided in such rules and regulations.

Rules and regulations.

SECTION 4. Said trustees shall make and adopt, subject to the approval of a majority of the members of said fire department, such rules and regulations for the purpose of giving effect to and carrying out the provisions and object of this act, as may be deemed necessary and expedient, not inconsistent with this act, and may amend the same with the approval of a majority of the members of said fire department. They shall have the exclusive control of the expenditures of all moneys belonging to said firemen's relief fund, sub-

ject to said rules and regulations, and shall make an annual report to the common council.

SECTION 5. Said firemen's relief fund shall be kept separate and apart from other moneys of said city, and shall be drawn out upon the order of said trustees, or a majority of them, countersigned by t he chief engineer of said fire department. **Relief fund to be kept separate; how drawn, etc.**

SECTION 6. Any member of said fire department who shall be discharged for any cause or reason other than neglect of duty, shall receive, upon his discharge, the amount which may have been deducted from him for the purposes herein named, less such sum or sums as may have been received by him from said fire relief fund. **Money to be refunded.**

SECTION 7. All acts and parts of acts contravening the provisions of this act are hereby repealed.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved February 23, 1878.

[No. 72, A.] Published February 26, 1878.]

CHAPTER 38.

AN ACT for the relief of Babetta Silverfriend, widow of M. Silverfriend.

The people of the state of Wisconsin, represented in senate and assembly do enact as follows:

SECTION 1. There is hereby appropriated to Babetta Silverfriend, widow of M. Silverfriend, from the general fund, out of any moneys not otherwise appropriated, the sum of thirty-five dollars, being that part of license money paid into the state treasury May 29, 1877, by said M. Silverfriend, now deceased, for a license to travel and trade within this state, with two horses and wagon, which was not earned at the time of his death. **Appropriation.**

SECTION 2. This act shall take effect from and after its passage and publication.

Approved February 23, 1878.

using the same, which sum shall be awarded to the owner as damages.

Damages and costs to be assessed upon property benefited.

SECTION 9. Having ascertained the damages and the expenses of laying such water pipes, with fire hydrants attached, with the cost of the proceedings, the jury shall thereupon apportion and assess the same (together with the costs of the proceedings), upon the real estate in said city by the jury deemed benefited, in proportion to the benefits resulting thereto from the laying of said water pipe, as nearly as may be, and they shall describe the real estate upon which their assessment may be made. When completed, the jury shall sign the same, and it shall return the same to the city clerk within thirty days from the time of their appointment.

Assessment may be modified.

SECTION 10. The city clerk shall give notice, of not less than ten days in the city paper, that the report of said jury has been filed with him, and that on a day to be specified in said notice, the same will be considered by the common council. Objections may be heard by the common council, and the hearing may be adjourned by the council from time to time, and the council may confirm the said report and assessment, and it may alter or modify the same and confirm the same as so altered or modified by it. The council may also, in its discretion, refer the matter back to the same jury or to another jury, to be selected in the manner hereinbefore provided.

Tax to be a lien upon real estate

Section 11. All benefits assessed upon any real estate, pursuant to the provisions of this act, shall be a lien upon the real estate upon which the same is so assessed; and the owner of any real estate upon which any sum is assessed as benefits shall pay the amount of this assessment respectively to the city treasurer, within thirty days after the confirmation of the same by the common council, and in case of the neglect or failure of any person or party to pay any such assessment as provided in this act, the amount of such assessment shall be placed by the city clerk in the next tax roll against the real estate upon which it was assessed, with interest at ten per cent. from the confirmation of the assessment to the date of the treasurer's warrant annexed to such tax list; and the same shall be collected in the same manner as other taxes against such real estate upon such tax list, and the moneys when collected shall be paid, by the officers receiving the same, to the treasurer of the city of Beloit.

SECTION 12. The city clerk shall forthwith, upon the confirmation of any assessment of the jury, deliver to the city treasurer the names of the persons against whom such assessments have been made, and the amount of such assessment respectively, and after the expiration of thirty days from the confirmation of the assessment by the common council, the said treasurer shall return the said list so furnished him by the clerk, with the amount received by him thereon, and the names of the persons by whom the same was paid, and the sums paid by such persons respectively, and the clerk shall lay the same before the common council and charge the treasurer with the amount so collected by him. Tax to be collected by city treasurer.

SECTION 13. It shall be competent for the common council after it has determined to lay water pipe, to compromise with any person or party claiming damage, as to the amount of damages to be paid to such person or party, and in such case it shall only be necessary for the jury to assess the benefits as to the lands and premises of such person or party as is hereinbefore provided. Council may compromise.

SECTION 14. Any person interested in any real estate affected by any assessment of damages or of benefits, pursuant to the provisions of this act, may appeal from the final order of the common council confirming such assessment, to the circuit court for Rock county, within twenty days after such order of confirmation, by giving notice of such appeal to the mayor or city clerk of said city, and by giving bond, with sufficient securities, to the city in a penalty of not less than two hundred dollars, to be approved by the mayor or city clerk, conditioned to pay all costs of such appeal in case the court upon such appeal shall not increase the amount of compensation awarded to the appellant as damages, or decrease the amount assessed upon his premises as benefits, as the case may be. Either party upon the trial of such appeal in the circuit court shall be entitled to a jury. Appeal may be taken.

SECTION 15. This act shall take effect and be in force from and after its passage and publication.

Approved February 21, 1878.

[No. 70, S.] [Published March 1, 1878.]

CHAPTER 43.

AN ACT to amend section six of chapter one hundred and twenty-one of the laws of Wisconsin for 1876, entitled, "an act relating to the preparation, publication and distribution of the final report of the geological survey."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amendment. SECTION 1. Section six (6) of chapter one hundred and twenty one of the laws of Wisconsin for 1876, is hereby amended by inserting after the figures "1877," in the eighth line of the section, the words "and 1878," so that the sentence shall read as follows: Each member of the legislature of 1876 and 1877 and 1878, the Governor, Lieutenant Governor, Secretary of State, State Treasurer, Attorney General, Superintendent of Schools, and each Judge of the supreme court, shall be entitled to two copies of the complete report.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 27, 1878.

[No. 65, S.] [Published March 1, 1878.]

CHAPTER 44.

AN ACT to appropriate to the State Agricultural Society the sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation. SECTION 1. There is hereby appropriated to the State Agricultural Society, out of any money in the general fund not otherwise appropriated, the sum of two thousand dollars, for the promotion and advancement of the industrial interests of the state.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 27, 1878.

tain and pay out as town treasurer, according to law, the whole of the taxes collected by him by virtue thereof, and to make return of said warrant, with said roll annexed, to said town clerks, with his doings thereon, within sixty days.

Duty of town treasurer.

SECTION 2. The town treasurer shall execute a bond to the supervisors of the town, in a sum double the amount of such tax, with sureties, to be approved by the chairman of said supervisiors, conditioned that he will faithfully account for and pay over, according to law, all moneys that shall come into his hands as such treasurer, under and by virtue of said warrant.

Tax—how collected.

SECTION 3. The clerk shall thereupon deliver said tax roll and warrant to the treasurer, and the said treasurer shall proceed to collect the same in the same manner that general taxes are collected.

Same.

SECTION 4. If the treasurer shall be unable to collect any part of said taxes, he shall return to the town clerk a list of such delinquent and uncollected taxes, under oath, in the usual form, and the said clerk shall add such delinquent taxes to the taxes against the same property and persons, in the next regular annual tax roll of such town, and the same shall be collected in the same manner as the other taxes in said annual tax roll.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approveed February 23, 1878.

[No. 162, S.] [Published February 27, 1878.]

CHAPTER 35.

AN ACT to regulate the time of holding the general and special terms of the circuit court for the sixth judicial circuit.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

General terms.

SECTION 1. The general terms of the circuit court in the sixth judicial circuit shall hereafter be held in each year as follows: In the county of Jackson on the third Monday of March and third Monday of September; in the county of Clark on the first Monday of March and first Monday of September; in the county of Vernon on the fourth Monday of April and fourth Monday of October; in the county of La Crosse on the

second Monday of May and second Monday of November; in the county of Monroe on the first Monday of April and first Monday of October; in the county of Trempealeau on the second Monday of June and the second Monday of December: *provided*, that the first term of the circuit court for Clark county, after the passage of this act, shall be held on the third Monday in April, 1878, as now provided by law.

Special terms.

SECTION 2. All general terms held in the counties of La Crosse, Monroe, Jackson and Trempealeau shall be special terms for the entire circuit, and there shall be held in the county of Monroe, on the first Monday in January in each year, a special term for the circuit. At any special term of said court herein provided for, any and all business may be done arising in any county of the circuit, which might be done at any general term, except the trial of issues of fact by a jury in cases other than those arising in actions of *quo warranto* and *mandamus*, and excepting, also, the trial of issues of fact in actions made local by law, and arising in some county other than the one in which such special term shall be held.

Act repealed

SECTION 3. Chapter one of the laws of Wisconsin of 1877, entitled "an act to regulate the time of holding the general and special terms of the circuit court in the sixth judicial circuit," excepting so far as it relates to the term of court to be held in Clark county on the third Monday in April, 1878, and all other laws providing for any general or special terms of said court other than as herein set down, and all acts and parts of acts inconsistent with or contravening the provisions of this act, are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved February 23, 1878.

[No. 6, S.] [Published February 26, 1878.]

CHAPTER 36.

AN ACT relating to the health department of the city of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Mayor to appoint commissioner.

SECTION 1. It shall be the duty of the mayor of the city of Milwaukee to appoint on the third Tues-

day of April, 1878, and biennially thereafter, subject to confirmation by the common council of said city, a commissioner of health, whose duty it shall be to examine into and consider all measures necessary to the preservation of the public health in said city, and to see that all ordinances and regulations in relation thereto be observed and enforced.

Duty of commissioner.

SECTION 2. Such commissioner shall, before he enters upon the duties of his office, take and subscribe the usual oath of office; and shall receive for his services such salary as the common council of said city by ordinance fix and determine.

Vacancy—how filled.

SECTION 3. Any vacancy in the office of commissioner of health shall be filled by appointment of the mayor with the approval of said common council; such appointment to be for the unexpired term.

Power of commissioner.

SECTION 4. The commissioner of health shall have power to appoint, subject to confirmation by said common council, such assistants, clerks, agents and workmen, as may be necessary for the proper discharge of his duties, and they shall receive such salary or compensation for their services as said common council may fix.

Same.

SECTION 5. All powers vested in the board of health and the health officer of said city, are hereby conferred upon the commissioner of health, and all the duties of said board and of said health officer shall, from and after the taking effect of this act, devolve upon and be vested in the said commissioner of health.

Acts repealed.

SECTION 6. Sections one, two and three of subchapter thirteen of chapter one hundred and eighty-four, or the laws of 1874, entitled "An act to revise, consolidate and amend the charter of the city of Milwaukee, approved February 20, 1852, and the several acts amendatory thereof;" also chapter three hundred and sixty-nine of the laws of 1876, amendatory of said chapter one hundred and eighty-four, and all other acts and parts of acts contravening the provisions of this act, are hereby repealed.

SECTION 7. This act shall take effect on the 15th day of April, A. D. 1878.

Approved February 23, 1878.

the collection of a direct annual tax sufficient to pay the interest on such loan as it falls due, and also to pay and discharge the principal thereof within the time above limited, and file a certified copy of such resolution or ordinance with the secretary of state, and thereupon the sum to be loaned shall be payable to the city treasurer of the city of La Crosse, upon the order of the common council of said city, authenticated by the mayor and clerk of said city.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved February 27, 1878.

[No. 87, S.] [Published March 1, 1878.]

CHAPTER 47.

AN ACT to appropriate to the Industrial School for Boys, a sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation.

SECTION 1. There is hereby appropriated to the State Industrial School for Boys, out of any money in the general fund not otherwise appropriated, the sum of thirty-six thousand dollars, for the following purposes, viz.: For the payment of current expenses, thirty-two thousand and four hundred dollars; for permanent improvements and house furnishing, two thousand and six hundred dollars; for stone, one thousand dollars.

How drawn.

SECTION 2. All sums of money appropriated by this act for current expenses shall be drawn not oftener than quarterly in advance.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 27, 1878.

[No. 66, S.] [Published March 1, 1878.]

CHAPTER 48.

AN ACT to appropriate to the Northern Wisconsin Agricultural and Mechanical Association, a sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated to the Northern Wisconsin Agricultural and Mechanical Association, out of any money in the general fund not otherwise appropriated, the sum of one thousand dollars, for the promotion and advancement of the industrial interests of the state. Appropriation.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 27, 1878.

[No. 202, A.] [Pulished March 1, 1878.]

CHAPTER 49.

AN ACT to amend chapter eighty-nine of the laws of 1877, entitled "an act to incorporate the city of Chilton.

The people of the state of Wisconsin, represented in senate and Assembly, do enact as follows:

SECTION 1. Chapter eighty-nine of the laws of 1877, entitled "An act to incorporate the city of Chilton," is hereby amended as follows, to-wit: Wherever the words "first Tuesday after the first Monday in April" occur in said act, the same shall be amended by substituting in the place and stead thereof the words "first Tuesday in April." Amended.

SECTION 2. The twenty-second subdivision of section three in chapter four of said act is hereby amended so as to read as follows: "22d. To make regulations to prevent the introduction and dissemination of contagious or infectious diseases within the city, and to regulate and govern the reception and care of persons sick with such diseases, or who have recently been exposed thereto, and to make such disposition of such persons as to preserve the health of said city, and to prevent the landing of such persons from railroad cars, stages or other conveyances, within the limits of said city." Amendment.

Amendment.

SECTION 3. Subdivision twenty-third of section three of chapter four of said act is hereby amended so as to read as follows, viz.: "23d. To regulate the time, place and manner of holding public auctions, vendues and public sales, and to impose a license therefor."

Amendment.

SECTION 4. Section sixteen of chapter seven of said act is hereby amended by striking out therefrom the words "except in section six of this chapter," which occur in the first and second lines of said section sixteen.

Amendment.

SECTION 5. Section three of chapter four of said act is hereby amended by adding to said section, immediately following subdivision thirty of said section, the following words and figures, viz.: "31. To provide for licensing the keeping of dogs in the said city at a sum or rate of not less than one dollar, nor more than five dollars a year for each dog; and to provide for a badge, collar or token, to be carried by each licensed dog; and for the secure muzzling of licensed dogs; and for the killing and destruction, in a summary manner, of all dogs not licensed, wherever the same may be found within the said city; and to punish persons keeping unlicensed dogs within said city."

Amendment.

SECTION 6. The first sentence of section two in chapter two of said act is hereby amended so as to read as follows, viz.: "Section 2. The elective officers of said city shall be a mayor, who, by virtue of his office, shall be supervisor of said city, and as such shall be the sole representative of and for said city in the county board of supervisors of said county of Calumet; a treasurer, one assessor, a clerk, a city marshal, and three justices of the peace, elected by and for the city at large; and two aldermen from each ward."

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved February 27, 1878.

[No. 269, A.] [Published March 1, 1878.]

CHAPTER 50.

AN ACT to authorize the commissioners of school and university lands to loan a portion of the trust funds of this state to the town of Newport, in the county of Columbia, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authority of commissioners

SECTION 1. The commissioners of school and university lands are hereby authorized to loan a portion

of the trust funds of this state, not exceeding the sum of fifteen hundred dollars, to the town of Newport, in Columbia county, in this state, and said town is hereby authorized to borrow a sum not exceeding the amount above named, of said commissioners, and to issue to said commissioners certificates of the indebtedness so contracted. Said loan shall bear interest at the rate of seven per cent. per annum. One-half of the principal sum so loaned, and the interest on the whole sum loaned, shall be paid within one year from the date of such loan, and the balance of said loan, with the interest thereon, within two years from the date of said loan: *provided*, that the amount so loaned, together with the existing indebtedness of said town, shall not in the aggregate exceed five per centum on the value of the taxable property of said town, as appears by the assessment roll for state and county purposes for the year next previous to incurring the indebtedness herein authorized.

and town to effect loan; interest; when payable.

Proviso.

SECTION 2. The secretary of state shall furnish the county clerk of said Columbia county, at the same time he furnishes that officer a statement of the state tax for each of the years 1878 and 1879, a statement of the amount due, or then next to become due on said loan, and it shall be the duty of the county clerk of said Columbia county, on receiving such statement, to include the amount thereof in his apportionment of the state taxes for said town of Newport in each year. It shall be the duty of the town clerk of said town of Newport to enter such amount so certified by the county clerk in the annual tax-roll of said town, and the tax shall be collected by the treasurer of said town and paid with the state tax to the county treasurer, who shall pay it to the state treasurer, with the state tax, in cancellation of said certificate issued as aforesaid.

Duty of secretary of state, town clerk and treasurer.

SECTION 3. The supervisors of said town of Newport, or a majority of them, are hereby authorized to use and expend the money so loaned in constructing a bridge over and across the Wisconsin river, between the town of Delton, in the county of Sauk, and said town of Newport, or in aiding in the construction of such bridge, or in procuring a free public roadway over and across the bridge of the Chicago, Milwaukee and St. Paul Railway Company across said river.

Duty of supervisors.

SECTION 4. Before contracting any debt under this act and before any of said funds shall be delivered to said town in exchange for said certificates of indebted-

Acceptance to be filed.

ness, a majority of the supervisors of said town of Newport shall file with the secretary of state, an acceptance of the provisions of this act, and of the terms and limitations hereof.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved February 27, 1878.

[No. 301, A.] [Published March 1, 1878.]

CHAPTER 51.

AN ACT to provide for the improvement of the Blue Mound or Spring street road county highway, in Milwaukee county, and to repeal chapter three hundred and sixty-five of the laws of 1876, and chapter two hundred and seventy-nine of the laws of 1877.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Duty of railway company.

SECTION 1. The Chicago, Milwaukee & St. Paul Railway Company is hereby required to erect and maintain a bridge, which bridge shall be constructed of iron, except the floor beams and floor, at the crossing of the Milwaukee and Blue Mound road, commonly called Spring street road, over its tracks at the point where its said tracks cross the said Spring street road in the town of Wauwatosa, which bridge shall rest upon a stone abutment at the westerly side of its said tracks, and upon iron columns of suitable size and dimensions, set upon stone foundations at the easterly limit of its said tracks; said bridge to be thirty-six feet in width, twenty-four feet of which shall be for a roadway in the center, and six feet on each side for sidewalks, and shall be nineteen feet clear of its said tracks.

Location and style of bridge.

County board to cause viaduct to be constructed.

SECTION 2. The county board of supervisors of the county of Milwaukee, having declared and made the portion of said Spring street road, between the present westerly limits of the city of Milwaukee and the westerly boundary line of the Calvary cemetery, in said town of Wauwatosa, a county highway — and all acts and proceedings of said county board in that behalf are hereby legalized — the said county board of supervisors is hereby required to cause to be constructed and erected, during the year 1878, a suitable and convenient viaduct approach to the aforesaid iron bridge, from the easterly end thereof for a distance eastwardly

of four hundred feet; and the approach to such iron bridge, from the easterly end of said viaduct approach for the distance of two hundred feet eastwardly from said last point, to the present iron bridge over the Menomonee river, and connecting said viaduct approach with said last-named bridge, shall be constructed of earth filling, which viaduct approach and filling shall be of suitable and convenient slope between the said railroad and river bridges; and the said viaduct approach shall be constructed of iron, except the floor beams and floors thereof, and shall rest upon iron columns of suitable and adequate size and dimensions, and at suitable and safe distances apart; such columns to rest upon substantial stone masonry piers. The said viaduct approach and filling shall be so constructed and made, with a roadway in the centre thereof twenty-four feet in width, and with sidewalks on each side thereof six feet in width. The said board of supervisors shall, also, within the said year, cause a suitable and convenient earth approach to the said westerly end of said railroad bridge, to be constructed and made, which last named approach shall not be less than twenty-four feet in width, on the top thereof for a roadway, and graded to a convenient grade, which grade on the said west approach to said railroad bridge shall be extended westerly along the present line of said Spring street road, on a level with said railroad bridge, not less than one hundred feet, and then ascending not exceeding six feet in one hundred feet, and shall be continued thence westerly until it shall intersect the present grade of said road, and it shall be continued thence by excavation, ascending not exceeding six feet in one hundred, until it shall again intersect the present grade of said road westerly of the bluff, at or near the residence of H. F. Story; and the said board of supervisors shall cause said highway, within the limits and boundaries thereof first above mentioned in this section, to be opened and improved as aforesaid, and the said westerly approach together with that part of said easterly approach so required to be of earth filling, to be graded, and the roadway thereof to be suitably graveled; and the aforesaid portion of county highway shall thereafter, and so long as the same shall remain a county highway, be repaired and maintained by the said board of supervisors at the proper expense of said county, so as to afford a safe and convenient passage for vehicles.

Approach, filling, etc.

SECTION 3. The said county board of supervisors shall *forthwith* cause to be made a plan of such ap-

Plan and estimate of cost of viaduct and ap-

proaches to be prepared; proposals to be advertised for, etc

proaches and viaduct, and an estimate of the cost of said improvements, and prior to the first day of May, 1878, it shall advertise for proposals, in one or more daily newspapers printed and published in the city of Milwaukee, for at least ten days; and before the first day of June, 1878, it shall let such work to the lowest responsible bidder, from whom it shall require bonds for the faithful performance of the contract and completion of the work on or before the first day of November, 1868, in a penalty equal to the estimated cost of the work: *provided, however*, that said board of supervisors may in its discretion so advertise for proposals, and so enter into contract or contracts accordingly, for the construction of said iron viaduct approach, and of the remainder of such work and improvement separately, and by different persons, upon the like bond, in a penalty equal to the estimated cost of such respective parts of such improvement and work, and a separate estimate aforesaid shall be made accordingly.

Tax to be levied

SECTION 4. The said county board of supervisors shall levy a tax in and for the year 1878, sufficient to pay the said county's portion, hereinafter mentioned, of the costs and damages of the aforesaid improvement, and shall annually thereafter levy a tax sufficient to cover the expense and cost of so repairing and maintaining said portion of county highway; three-fourths of the expense of said work, and of any damages which may be recovered of the said county of Milwaukee by reason of such construction, shall be paid out of the county treasury thereof; one-quarter of the expense of such construction and of all damages which may be sustained and recovered under this act by reason of such construction, shall be borne and paid for by the property abutting on said Milwaukee and Blue Mound road, or Spring Street road, and on either side thereof, from the present westerly limits of the city of Milwaukee, for such a distance as said county board may determine is benefited by said improvement, and of not less than three miles westerly along said road, and such proportion of the cost and damages shall be distributed upon and assessed upon the various tracts of land so abutting said road by the said county board of supervisors, according to the relative benefit, in the judgment of said board, accruing to each such tract or piece or parcel of land, by reason of the construction of such work and improvement; such assessment may be made from time to time as said costs or damages may accrue, or be paid by said county board of supervisors, and

Cost of construction to be assessed upon property benefited.

shall be levied thereon and collected thereof in the same manner as general county taxes are levied and collected.

SECTION 5. If the owner of any tract or parcel of land so abutting on said road, and so assessed by said county board, shall deem himself aggrieved by such assessment, he may appeal therefrom to the circuit court for the county of Milwaukee, within thirty days from the time any such assessment shall be determined and made by said county board, upon executing to the county board of supervisors of Milwaukee county, and filing with the county clerk of said county, a bond, with one or more sufficient sureties, to be approved by such county clerk, conditioned to pay all costs arising from such appeal and appraisement of damages : *provided*, there shall not be awarded upon the trial of such appeal in said court, a larger amount of damages than were awarded by the said county board of supervisors. Persons may appeal to circuit court.

SECTION 6. It shall be the duty of the Chicago, Milwaukee & St. Paul Railway Company, within sixty days from the letting of the contract or contracts aforesaid, by said county board, to build the said abutment provided for in section one of this act, and to complete said railroad bridge with all reasonable dispatch. Duty of Chi., Mil. & St. Paul R'y Co.

SECTION 7. Chapter 365 of the laws of 1876, and chapter 279 of the laws of 1877, are hereby repealed. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. And this act shall be published immediately, and shall take effect and be in force from and after its passage and publication. Repealed.

Approved February 27, 1878.

[No. 118, A.] [Published March 1, 1878.]

CHAPTER 52.

AN ACT legalizing the action of the county board of supervisors of Walworth county, fixing the salary of district attorney.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows.

SECTION 1. The action of the county board of supervisors of Walworth county, in fixing the salary of district attorney of Walworth county, by resolution, at the meeting of said board of supervisors held on the Act legalized.

20th day of December, A. D. 1877, is hereby legalized and declared to be in full force and effect.

SECTION 2 This act shall take effect and be in force from and after its passage and publication.

Approved February 27, 1878.

[No. 55. A.] [Published March 1, 1878.]

CHAPTER 53.

AN ACT to authorize the common council of the city of Milwaukee to extend Twenty-first street, from State street to Cedar street, in the second ward of said city.

The people of the state of Wisconsin, represented in senate and assembly do enact as follows:

Authority of common council.

SECTION 1. The common council of the city of Milwaukee shall have the right to lay out, in accordance with the provisions of sub-chapter six of chapter one hundred and eighty four, entitled "An act to revise, consolidate and amend the charter of the city of Milwaukee, approved February 20, 1852, and the several acts amendatory thereof, Twenty first street, between State and Cedar streets, in the second ward of said city, and to that end to take for public use for the purpose of laying out said Twenty-first street, between the streets above named, so much of the lands belonging to the Milwaukee hospital, so called, as lie within the limits of said Twenty-first street, so as to be laid out, proceeding in that behalf in all respects in accordance with the provisions of said sub-chapter six and the several acts amendatory thereof.

Amended.

SECTION 2. Section six of chapter three hundred and ninety-six of the general laws of 1864, entitled "An act in relation to the Milwaukee hospital," is hereby so far modified as that said section shall not apply to or affect the extention of said Twenty-first street, from State street to Cedar street, through the property mentioned in said chapter three hundred and ninety-six.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 25, 1878.

[No. 12. S.] [Published March 2, 1878.]

CHAPTER 54.

AN ACT to appropriate to the county of Dodge the sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated to the county of Dodge the sum of seven hundred and ninety-eight dollars and fifty cents, being the amount said county has paid the state for the support of insane persons not properly chargeable to said county. **Appropriation.**

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 1, 1878.

[No. 79, S.] [Published March 6, 1878.]

CHAPTER 55.

AN ACT in relation to the circuit court of the county of Racine.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The circuit court of the county of Racine shall be deemed to be open for the transaction of business, from the commencement of one regular term to the commencement of another, and an adjournment of the term from day to day shall not be necessary to the validity of any proceedings therein. **Sessions of circuit court.**

SECTION 2. This act shall be in force and take effect from and after Monday, the eleventh day of March, A. D. 1878.

[No. 61, S.] [Published March 5, 1878.]

CHAPTER 56.

AN ACT relating to village cemeteries.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Power of trustees.

SECTION 1. The trustees of any incorporated village within the state shall have power to purchase in the name of said village, outside of the limits of said village, suitable grounds to be used exclusive as a village cemetery.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 1, 1878.

[No. 205, A] [Published March 2, 1878.]

CHAPTER 57.

AN ACT to provide for the construction of a viaduct in the First avenue of the city of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Power of common council.

SECTION 1. The common council of the city of Milwaukee is hereby authorized and instructed to direct and compel the Chicago, Milwaukee & St. Paul Railway Company, at its own expense, to construct and maintain an iron viaduct on First avenue, in said city of Milwaukee, with suitabte abutments of masonry; the north face of the southerly abutment to be six feet south of the south rail of the south track of the railway of said railway company, as at present located, crossing said avenue, and the northerly abutment on the north line of Oregon street, on such a grade and plan as may be furnished by the said railway company and approved by said common council: *provided*, that the planking and floor joist of wood for the roadway and sidewalk over said viaduct shall be made and forever maintained at the expense of said city.

Proviso.

Approaches, etc., may be built; how paid for, etc.

SECTION 2. The said common council is hereby authorized and instructed to construct and maintain proper approaches to said viaduct at each end thereof, the costs and expenses of which approaches and their

maintenance shall be charged to and paid out of the general city fund of said city of Milwaukee, in the same manner that the street approaches are now paid, and that the damages, costs and charges arising from the change of grade incidental to the construction of said viaduct and approaches, shall be assessed in the manner now provided in section eight of chapter seven of sub-chapter one hundred and eighty-four of the laws of one thousand eight hundred and seventy-four: *provided, however*, that the excess of the said damages, costs and charges over the benefits assessed, shall be charged to and paid out of the general city fund of said city of Milwaukee; *and provided further*, that no damages or benefits shall be assessed on the lots or lands of the said railway company within the line of said abutments, produced east and west therefrom. Proviso.

SECTION 3 All acts or parts of acts conflicting with this act are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 1, 1878.

[No. 193, A.] [Published March 5, 1878.]

CHAPTER 58.

AN ACT to provide for the more efficient government of the State Hospital for the Insane.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The superintendent, officers and employes of the hospital for the insane, located in the county of Dane, are hereby constituted police officers for said hospital, and the grounds and lands connected with and belonging to said hospital, and as such police officers, shall have power and authority to summarily arrest all persons within said hospital or on the premises, out houses, grounds, and land belonging to the same, who shall be guilty of noisy, boisterous and disorderly conduct, or improper reveling, or fighting, immoderate drinking, drunkenness, or of indecent exposure of person, lewd, wanton and obscene conduct, or of vulgar and obscene language, or who shall be guilty of any other offense against the laws of the state, or of the rules and regulations governing said hospital for the insane. Powers of officers.

Offenders may be arrested.

SECTION 2. Whenever the said superintendent or any of the officers or employes of the said hospital shall find any person or persons in said hospital, or on the grounds and premises belonging to the same, creating any disturbance, or who shall be guilty of any such offense, or of vagrancy, or any idle persons who shall refuse to leave said premises when requested so to do by said superintendent, officers or employes, the said superintendent shall have full power and authority to arrest all such offenders and convey such offenders to any justice of the peace of said county, or before any court of competent jurisdiction, having power and jurisdiction to try such offenders so arrested, and such superintendent, officers or employes shall cause the proper complaint to be made before such court against such offenders, and the court before whom such offenders are brought shall then proceed to hear, try and determine the charge against such prisoners, according to the laws of the state.

Hospital officials to have same authority as possessed by constables and police officers.

SECTION 3. For the purpose of carrying into effect the provisions of this act, the said superintendent, officers and employes, while acting as such police officers, shall have the same authority and power possessed by constables and police officers under the laws of this state, and they may make complaints for any offense committed in the hospital or on the hospital grounds, execute warrants, commit to jail, and have all the rights any privileges of police officers, for the purpose and under the limitations prescribed by this act.

Penalty for disorderly conduct

SECTION 4. Any person or persons who shall commit any such offense within said hospital or on said hospital premises, or who shall be guilty of riotous, noisy, boisterous and disorderly conduct, or of fighting, immoderate drinking, or of being intoxicated on such grounds, or of any other offense under this act, upon conviction thereof, shall be punished by a fine of not less than one dollar and not exceeding fifty dollars, together with costs, or by imprisonment in the county jail not less than two days nor more than sixty days.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 1, 1878.

[No. 170, A.] [Published March 5, 1878.]

CHAPTER 59.

AN ACT to amend chapter one hundred and fifty-one of the laws of 1873, entitled an act to incorporate the city of Neenah, and the several acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

State laws for relief and support of poor to apply.

SECTION 1. The laws of the state of Wisconsin, for the relief and support of the poor in towns, shall apply to the said city of Neenah; and the common council shall annually levy a tax, not exceeding one mill, upon the dollar of the assessed valuation of the real and personal property of the said city, for the purpose of the support of the poor of such city lawfully entitled thereto, such tax to be levied and collected in the same manner as other city taxes.

Council to appoint overseer of poor.

SECTION 2. The common council shall appoint a suitable and proper person to act as overseer of the poor of said city, whose salary shall not exceed the sum of one hundred dollars per annum; such overseer shall have the same power, and shall perform the same duties as overseers of the several towns: *provided, however*, that he shall keep such accounts, and shall at all times be subject to and obey all orders and resolutions of the common council, lawfully made in the premises, and concerning his duties; and shall report from time to time as the common council shall direct.

Appointment to be made annually.

SECTION 3. Immediately after the passage of this act, the common council shall elect an overseer of the poor, who shall hold his office until the next annual election of city officers; and thereafter, and at each annual election of city officers, the common council shall elect, with other officers, an overseer of the poor, who shall hold his office for one year, subject to removal by the common council.

SECTION 4. This act shall take effect from and after its passage and publication.

Approved March 1, 1878.

[No. 23, A.] [Published March 5, 1878.]

CHAPTER 60.

AN ACT to legalize a certain order of the board of supervisors of the county of Juneau.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Act legalized.

SECTION 1. Section twenty-seven of the order passed at the annual session of the board of supervisors of the county of Juneau, in this state, held on the thirteenth day of November, A. D. 1877, is hereby legalized and declared binding in all respects. Said section twenty-seven reads as follows, to wit: "That the proceeds of the sale of all lands now deeded to the county, or which shall become subject to tax deeds, in the town of Necedah, previous to the time fixed for the completion of the bridge, as hereinafter provided, shall be held by the county treasurer as a separate fund, and paid over annually to the said town of Necedah, to aid in the construction of a bridge over the Wisconsin river at some point between Pete-en-Well rock and the mouth of the Big Roche-a-Cris river: *provided*, that the construction of said bridge shall be commenced within one year from the first day of January next, one thousand eight hundred and seventy-nine, and completed within two years from that date."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 1, 1878.

[No. 182, A.] [Published March 5, 1878.]

CHAPTER 61.

AN ACT to legalize the official acts of Charles Naffz, a notary public of Sauk county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Acts legalized.

SECTION 1. The official acts of Charles Naffz, notary public in Sauk county, are hereby declared to be lawful, notwithstanding any intermission between the dates of the expiration of any former commission and a subsequent commission.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 1, 1878.

[No. 83, A.] [Published March 5. 1878.]

CHAPTER 62.

AN ACT relating to the reduction of the price of swamp and overflowed lands in Monroe county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows.

SECTION 1. The commissioners of school and university lands are hereby authorized in their discretion to reduce the price of all swamp and overflowed lands now owned by the state in Monroe county, and that have not been once sold, and all such lands that have been once sold and forfeited to the state and are now held by the state, to the uniform price of fifty cents per acre, with the amounts of unpaid taxes added to the price of such lands sold as aforesaid: *provided*, that the above reduction shall not apply to any of said lands now under contract, and which may hereafter become forfeited to the state, until the expiration of two years after such forfeiture. Authority of commissioners.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 1, 1878.

[No. 305, A.] [Published March 5, 1878.]

CHAPTER 63.

AN ACT to amend section one of chapter three hundred and eleven, of the private and local law of 1862, entitled "An act to fix the salary of the clerk of the circuit and county courts for the county of Milwaukee."

The people of the state of Wisconsin represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter three hundred and eleven, of the private and local laws of 1862, entitled "An act to fix the salary of the clerk of the circuit and county courts for the county of Milwaukee," Amendment.

is hereby amended so as to read as follows: Section 1. The salary of the clerk of the circuit and county courts, for the county of Milwaukee, is hereby fixed at the sum of six thousand dollars per annum, which shall be paid to him by the county of Milwaukee, quarterly, at the end of each three months, out of the county treasury of the county of Milwaukee. Such clerk is hereby authorized, subject to the approval of the circuit judge, to appoint one deputy clerk of said courts, in addition to the deputy clerk now provided for by law, and such additional deputy may be removed by the said clerk, and shall be invested with the same powers and duties as is provided by law in case of deputy clerks of the circuit court throughout this state; and the said salary shall be in full for all services which said clerk is required by law to perform in any action or proceeding instituted, tried or had in said circuit and county courts, and also for deputy and clerk hire: *provided*, that in addition to said salary, he shall also be entitled to receive the fees which are now provided by law for copies of records or papers, commissions, transcripts, and exemplifications of judgments and records, and in no case shall he or his deputies, clerk or clerks, or any or either of them, be allowed or paid any per diem fee for attendance upon either of said courts.

Proviso.

Repealed.

SECTION 2. Chapter three hundred and seventy-one of the laws of 1876 entitled "An act to amend section one of chapter three hundred and eleven, of the private and local laws of 1872, entitled 'An act to fix the salary of the clerk of the circuit and county courts for the county of Milwaukee," is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after January 1, 1879.

Approved March 1, 1878.

[No. 227, A.] [Published March 5, 1878.]

CHAPTER 64.

AN ACT to authorize the state of Maryland to convey to the United States the interest of the state of Wisconsin in the National Cemetery at Antietam, Maryland.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Transfer of title.

SECTION 1. The state of Maryland is hereby authorized to convey to the United States all the right, title

and interest of the state of Wisconsin in and to the land occupied by the Antietam National Cemetery, in the county of Washington, in the state of Maryland; and if the said state of Maryland shall have already made such transfer, the assent of the state of Wisconsin thereto is hereby granted.

SECTION 2. The governor of this state is requested to transmit a copy of this act to the president of the United States and to the governor of the state of Maryland. Duty of governor.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 1, 1878.

[No. 186, A.] [Published March 5, 1878.]

CHAPTER 65.

AN ACT relating to the time of holding the circuit court in the fourth judicial circuit, and amendatory of section one of chapter eighty-four of the laws of Wisconsin for 1876, entitled "An act to fix the time of holding the several terms of the circuit court in the fourth judicial circuit."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter eighty-four of the laws of Wisconsin for 1876, is hereby amended as follows: Strike out the word "first," where it occurs in the fifth line of said section, and insert in lieu and in the place thereof the word "second," so that when amended it shall read as follows: Amendment.

Except as in this act hereinafter provided, the general terms of the circuit court for the fourth judicial circuit shall hereafter be held as follows:

In the county of Sheboygan, on the first Monday of October and on the second Monday in April. Sheboygan.

In the county of Kewaunee, on the third Monday of October and on the fourth Monday of April of each year. Kewaunee.

In the county of Fond du Lac, on the second Monday of November, on the first Monday of March, and on the fourth Monday of June of each year. Fond du Lac.

In the county of Calumet, on the second Monday of December and the third Monday of May of each year. Calumet.

Manitowoc. In the county of Manitowoc, on the second Monday of January and on the first Monday of June of each year.

Special terms. And in the county of Fond du Lac, a special term for the whole circuit, on the second Monday of February in each year.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 2, 1878.

[No. 72, S.] [Published March 6, 1878.]

CHAPTER 66.

AN ACT to appropriate to the Institution for the Education of the Blind a sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation. SECTION 1. There is hereby appropriated to the institution for the education of the blind, out of any money in the general fund not otherwise appropriated, the sum of eighteen thousand five hundred dollars, for the following purposes, to wit: fifteen thousand seven hundred and seventy-five dollars for the payment of current expenses for the year ending March 1, 1879; two thousand two hundred and twenty-five dollars for house furnishing; five hundred dollars for improvement of grounds.

When to be drawn. SECTION 2. All sums of money appropriated by this act for current expenses shall be drawn not oftener than quarterly in advance.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1878.

[No. 129, S.] [Published March 6, 1878.]

CHAPTER 67.

AN ACT for the preservation of fish in the waters of La Crosse county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Prohibition. SECTION 1. No person or persons shall place, set, draw or use any seine-net, scoop-net, pound or gill-net,

wire-basket, grapple or trap, or any other contrivance or device other than hook and line or spear, in Black or La Crosse rivers, or any of their tributaries, or in any waters or lakes in the county of La Crosse, excepting the Mississippi river, for the purpose of taking or catching fish; and any person or persons who shall violate any of the provisions of this section shall, on conviction thereof, be subject to a fine of not less than one dollar nor more than ten dollars for the first offense, and not less than five dollars nor more than twenty-five dollars for each and every subsequent conviction, pursuant to the provisions of this act. **Penalty.**

SECTION 2. Justices of the peace shall have jurisdiction to hear, try, and determine all cases arising under this act: *provided*, that the defendant shall have the right of appeal and a trial by jury, as in other cases. **Justices to have jurisdiction.**

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 4, 1878.

[No. 27, S.] [Published March 6, 1878.]

CHAPTER 68.

AN ACT relating to warehouse receipts, and amendatory of section one, chapter two hundred and twenty, of the laws of Wisconsin for 1877.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter two hundred and twenty of the laws of Wisconsin for 1877, entitled "An act to declare warehouse receipts negotiable," is hereby amended so as to read as follows: "Section 1. All warehouse receipts on which the words 'not negotiable' are not written or stamped upon the face thereof shall be deemed negotiable, the same as bills of exchange and promissory notes.". **Amendment.**

SECTION 2. This act shall take effect from and after its passage and publication.

Approved March 4, 1878.

[No. 49, S.] [Published March 6, 1878.]

CHAPTER 69.

AN ACT in relation to the Catfish river in the county of Dane.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Persons may remove logs, rubbish, etc.

SECTION 1. It shall be lawful for any person, persons, company or corporation, at any time, to remove from the bed of the Catfish river, so-called, between the Third lake and Second lake, in the county of Dane, any dirt, sticks, stones, logs or other rubbish.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1878.

[No. 76, A.] [Published March 6, 1878.]

CHAPTER 70.

AN ACT to amend section fifty-four of chapter one hundred and thirty-seven of the general laws of one thousand eight hundred and seventy-one, entitled, "An act to provide for the trial of offenses upon information and to make the general laws of the state applicable thereto."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amendment.

SECTION 1. Section fifty-four of chapter one hundred and thirty-seven of the general laws of one thousand eight hundred and seventy-one is hereby amended by adding thereto the following words, to wit: "But the omission of witnesses, to sign such testimony, shall not invalidate any proceedings had upon the examination, nor any information based thereon."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 4, 1878.

[No. 208, S.] [Published March 6, 1878.]

CHAPTER 71.

AN ACT relating to the opening of streets and alleys, and amendatory of the charter of the city of La Crosse.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section eighteen of chapter V. of chapter one hundred and thirty-five of the laws of Wisconsin for one thousand eight hundred and seventy-six, entitled "An act to revise, consolidate and amend the charter of the city of La Crosse, approved February nineteen, A. D., one thousand eight hundred and sixty-nine, and the several acts amendatory thereof," is hereby amended by adding at the end thereof the following words: "Whenever it shall appear to the common council, by petition or otherwise, that injustice has been done to any property-owner in the assessment of such benefits or damages, the common council may remit such portion of the damages assessed in excess of benefits as they may deem just, and may compromise or settle with any person whose land is taken or assessed for the purpose of opening any street or alley, if they shall deem it for the interest of the city to make such settlement or compromise." Amendment.

SECTION 2. Section twenty-one of said chapter V., of chapter one hundred and thirty-five, of the laws of one thousand eight hundred and seventy-six, is hereby repealed. Repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 4, 1878.

[No. 33, S.] [Published March 5, 1878.]

CHAPTER 72.

AN ACT to legalize the organization of school district number two, in the town of Millston, Jackson county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The acts and proceedings of the town board of supervisors of the town of Millston, in the county of Jackson, in creating, forming and organizing Acts legalized.

school district number two, in said town, and embracing within the limits of said district all of township number twenty, north of range two west, in said town, including sections numbered from one to twelve, inclusive, in said township, on the seventh day of August, 1874, together with the subsequent acts and proceedings of said town board, on the twenty-sixth day of June, 1876, and the seventh day of May, 1877, in changing the boundaries of said district, are hereby legalized and declared valid and binding upon all parties interested in said school district, and of full force and effect.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1878.

[No. 89, S.] [Published March 5, 1878.]

CHAPTER 73.

AN ACT to authorize certain exchanges between the State Historical Society and the University of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Geological specimens and pre-historic relics may be exchanged.

SECTION 1. The State Historical Society is hereby authorized to transfer any or all geological specimens it now has or may hereafter receive, to the cabinet of natural history of the University of Wisconsin, and said university is also authorized to transfer any pre-historic relics it may have or receive, to said historical society.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1878.

[No. 47, S.] [Published March 6, 1878.]

CHAPTER 74.

AN ACT to authorize the town of Waupaca, in the county of Waupaca, to keep an office and hold elections within the limits of the city of Waupaca.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Powers of supervisors.

SECTION 1. The board of supervisors of the town of Waupaca, in the county of Waupaca, are hereby auth-

orized and empowered to keep an office and transact any and all business of said town, at such place or places within the limits of the city of Waupaca, in said county, as said board of supervisors, by an order entered in their minutes, determine.

Elections may be held in city of Waupaca.

SECTION 2. Any general or special election, and any annual or special town meeting of said town of Waupaca, hereafter ordered or held, may be held at such places within the limits of the city of Waupaca as the board of supervisors of said town may determine: *provided*, the notice of said election or town meeting shall specify the place where the same will be held; and any such election or town meeting of the said town of Waupaca, so held within the limits of the said city of Waupaca, shall be as legal and binding in all respects as the same would be if held within the limits of the said town, anything in the laws of this state to the contrary notwithstanding.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 4, 1878.

[No. 265, A.] [Published March 5, 1878.]

CHAPTER 75.

AN ACT to repeal chapter three hundred and thirty-eight of the private and local laws of one thousand eight hundred and sixty-nine, relating to the town of La Prairie, in the county of Rock, doing work in the town of Harmony, in said county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repealed.

SECTION 1. Chapter three hundred and thirty-eight of the private and local laws of one thousand eight hundred and sixty-nine, entitled "An act to authorize the town of La Prairie, in the county of Rock, to do work upon a certain highway, located in the town of Harmony in said county," is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 4. 1878.

[No. 203, A.] [Published March 5, 1878.]

CHAPTER 76.

AN ACT to appropriate to Dennis Phelan a sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation.

SECTION 1. There is hereby appropriated out of the general fund, not otherwise appropriated, to Dennis Phelan, the sum of forty-five dollars.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 4, 1878.

[No. 20, A.] [Published March 6, 1878.]

CHAPTER 77.

AN ACT relating to the assessment of property for taxation, and amendatory of chapter one hundred and thirty of the general laws of 1868, as amended by chapter two hundred and fifty of the laws of 1877.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amendment.

SECTION 1. Section sixteen, of chapter one hundred and thirty, of the general laws of one thousand eight hundred and sixty-eight, as amended by chapter two hundred and fifty, of the laws of one thousand eight hundred and seventy-seven, is hereby amended by striking out the words "one hundred and eight," where the same occur in said section, and inserting in lieu thereof the words "forty-eight," so that said section, when amended, will read as follows:

Assessments—how made.

"Section 16. Real property shall be valued by the assessor from actual view, in towns containing forty-eight square miles or less; but in towns containing more than forty-eight square miles, real property shall be assessed either from actual view or the best information that the assessor can practically obtain, except improved lands, which shall be assessed from actual view, at the full value which could ordinarily be obtained therefor at private sale, and which the assessor shall believe the owner, if he desires to sell, would accept in full payment. In determining the value the assessor shall consider as to each piece, its advantage

or disadvantage of location, quality of soil, quantity and quality of standing timber, water privileges, mines, minerals, quarries or other valuable deposits known to be available therein, and all buildings, fixed machinery and improvements of every description thereon, and their value. Real property held under lease from any religious, scientific, literary or benevolent association, but otherwise exempt, shall be assessed to the lessee. The assessor having fixed the value, shall enter the same opposite the proper tract, in the assessment roll. Property omitted from assessment the previous year, by mistake, shall be entered twice, designating one entry as omitted for the year 18—: *provided*, that this act shall not be construed to apply to lands containing iron ore." Proviso.

SECTION 2. All acts or parts of acts contravening the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1878.

[No. 211, A.] [Published March 6, 1878.]

CHAPTER 78.

AN ACT fixing the terms of the circuit court in certain counties of the eleventh judicial circuit.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The terms of the several circuit courts of the eleventh judicial circuit shall hereafter be held as follows: In the county of Ashland on the first Monday of January and on the first Monday of July. In the county of Barron on the third Tuesday of January and on the second Tuesday of August. In the county of Bayfield on the second Monday of January and on the second Monday of July. In the county of Burnett on the first Tuesday of February and on the fourth Monday of July. In the county of Chippewa on the first Monday of June and on the first Monday of December. In the county of Douglas on the second Monday of February and on the third Monday of July. In the county of Polk on the fourth Monday of January and on the first Monday of August. General terms of circuit court.

Special terms.

SECTION 2. Every term of said circuit court in the counties of Chippewa and Polk shall also be special terms for the whole of said circuit, and all actions, motions, proceedings or other business now pending or which may hereafter arise in any or either of the counties in said circuit, and not requiring a jury, may be brought on, heard, tried and determined, or otherwise acted upon or disposed of, at any or either of said special terms, in the same manner and with the same force and effect as if the same were brought on, or heard, tried, determined or otherwise acted upon or disposed of in the county wherein the same are now pending or may hereafter arise; and when any cause or matters are pending in either counties different from the county in which the special term is held, the clerk of the court where the special term is held shall transmit all orders, judgments and other papers to the clerk of the circuit court of the county where said causes or matters are pending. The said papers shall be filed and entered by such clerk in the same manner as if said cause or matters had been heard or determined by the circuit court at a term thereof held in that county, and all orders, proceedings and judgments made in pursuance of this act, shall have the like force and effect as if made in the county where such cause or matters are or may be pending, and no notice of the holding of such special term shall be required, other than the passage and publication of this act.

Of causes pending, etc.

Duty of clerks of court.

All writs, papers, proceedings, etc., to remain unaffected.

SECTION 3. All writs, indictments, summons, recognizances, processes, informations, motions and other proceedings in any of said courts, and all jurors summoned to attend, and all notices of trial, and every and all proceedings pending or to be heard on the days heretofore fixed as the first day of said courts, shall be held returnable, cited to appear and noticed for hearing on the days herein fixed for the first day of said several courts, and shall be heard and disposed of as if noticed for hearing on the days herein fixed.

SECTION 4. All acts or parts of acts conflicting with this act are hereby repealed, so far as they conflict with this act.

SECTION 5. This act shall take effect and be in force from and after the first day of May, 1878.

Approved March 4, 1878.

[No. 29, A.] [Published March 6, 1878.]

CHAPTER 79.

AN ACT to repeal chapter two hundred and fifty of the general laws of 1875, entitled, "an act to provide for the free and unobstructed navigation of the west branch of the Kickapoo river, between certain points therein named."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter two hundred and fifty of the general laws of 1875, entitled, "an act to provide for the free and unobstructed navigation of the Kickapoo river between certain points therein designated," is hereby repealed. Repealed.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved March 4, 1878.

[No. 121, A.] [Published March 6, 1878.]

CHAPTER 80.

AN ACT to legalize the proceedings of all town insurance companies of the state of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The proceedings of all town insurance companies in the state of Wisconsin, held on the 1st day of January, 1878, are hereby declared legal and valid to all intents and purposes, and in all places, as though the same had been held at the time provided by law, except so far as the same proceedings may affect the exclusion of members or the cancellation of policies. Legalized.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1878.

[No. 134, A.] [Published March 6, 1878.]

CHAPTER 81.

AN ACT to provide for the payment of a sum of money to Peter Swenson.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation.

SECTION 1. There is hereby appropriated out of any money in the treasury not otherwise appropriated, to Peter Swenson, the sum of one hundred and eighty dollars.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1878.

[No. 122, A.] [Published March 6, 1878.]

CHAPTER 82.

AN ACT to authorize Joseph Harris to build and maintain a pier and dock in Sturgeon Bay.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location and length of dock.

SECTION 1. Joseph Harris, his executors, heirs or assigns, are hereby authorized and empowered to build and maintain a dock and pier, extending into Sturgeon Bay, on the western shore, from section seven (7), in township twenty-seven (27) north, of range twenty-six (26) east, in Door county, running in a northerly direction three hundred feet or more, to the usual steamboat channel, for the purpose of a steamboat dock and landing at the village of Bay View, on said Sturgeon Bay.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1878.

[No. 123, A.] Published March 6, 1878.]

CHAPTER 83.

AN ACT to amend section four of chapter one hundred and seventy-nine of the revised statutes, entitled "Of trials in criminal cases."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section four of chapter one hundred and seventy-nine of the revised statutes, entitled "Of trials in criminal cases," is hereby amended so as to read as follows: "Upon the trial of any person or persons upon an indictment or information, which is punishable by imprisonment for life, the parties shall be entitled to the following peremptory challenges, to-wit: Twenty-four (24) of the persons returned as jurors, and no more, shall be allowed to the defendant or defendants, and the prosecuting attorney shall be entitled to twelve (12) peremptory challenges, and no more. Amendment. Plaintiff's and defendant's rights.

SECTION 2. All acts and parts of acts conflicting with section one of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1878.

[No. 126, S.] Published March 5, 1878.]

CHAPTER 84.

AN ACT to discontinue a portion of the territorial road known as the "Token Creek and Fort Winnebago territorial road," in Columbia county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That part of the territorial road known as the "Token Creek and Fort Winnebago road," lying and being in section twenty eight, in township eleven, north of range ten east, being in the town of Lowville, in Columbia county, is hereby discontinued and declared vacated. Road discontinued.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1878.

[No. 106, S.] [Published March 13, 1878.]

CHAPTER 85.

AN ACT to appropriate money to provide for stationery and postage stamps.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation.

SECTION 1. To enable the superintendent of public property to comply with the requirements of joint resolution number fifteen, assembly, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, a sum sufficient to carry out the provisions of said joint resolution.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 5, 1878.

[No. 97, S.] [Published March 7, 1878.]

CHAPTER 86.

AN ACT to appropriate to the superintendent of public property a sum of money therein named for the use of the state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation.

SECTION 1. There is hereby appropriated to the superintendent of public property, out of any money belonging to the general fund not otherwise appropriated, the sum of eight thousand dollars, being the amount estimated as necessary for the purchase of stationery for the use of the state officers and the legislature for the ensuing year.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 5, 1878.

[No. 45, A.] [Published March 7, 1878.]

CHAPTER 87.

AN ACT relating to the reduction of the price of swamp and overflowed lands in Waupaca county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The commissioners of school and university lands are hereby authorized, in their discretion, to reduce the price of all swamp and overflowed lands now owned by the state in Waupaca and Door counties, to the uniform price of fifty cents per acre: *provided*, that the above reduction shall not apply to any of said lands now under contract, and which may hereafter become forfeited to the state, until the expiration of two years after such forfeiture, with the unpaid taxes added thereto. Authority of commissioners.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1878.

[No. 276, A.] Published March 7, 1878.]

CHAPTER 88.

AN ACT to authorize and direct the commissioners of school and university lands to convey certain lands to the Sturgeon Bay and Lake Michigan Ship Canal and Harbor Company.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The commissioners of school and university lands are hereby authorized and directed to convey to the Sturgeon Bay and Lake Michigan Ship Canal and Harbor Company, for the second quarter of work done on the Sturgeon Bay Canal, from the grant of land conferred upon said company by chapter one hundred and five, general laws of 1858, such quantity of lands as said company shall select from the classification and appraisal of said grant, now on file in the office of the secretary of state: *provided*, that said quantity of lands to be selected and conveyed as aforesaid, together with the land heretofore conveyed for the completion of the first quarter of said canal, shall not ex- Authority of commissioners and S. B. and Lake Mich. S. C. and H. Co. Proviso.

ceed one-half of the number of acres embraced in said grant of land.

Conditions of transfer.

SECTION 2. Whenever said company shall have completed the third quarter of the canal, the said commissioners shall convey to said company a quantity of land not exceeding one-half of the remainder of said grant, to be selected as aforesaid, and upon the completion of said canal, the remainder of said grant shall be conveyed to said company: *provided*, however, in case said commissioners shall deem it just and advisable, they may confine the selection of said lands by said company for each quarter of work done, to one-quarter of the value of said grant: *and provided, further*, for each quarter of work when completed, the certificate of the governor, as required by section four of said chapter one hundred and five, shall be on file in the office of the secretary of state.

SECTION 3. All acts and resolutions in conflict with this act are hereby repealed.

SECTION 4. This act to take effect and be in force from and after it passage.

Approved March 6, 1878.

[No. 45, S.] [Published March 11, 1878.]

CHAPTER 89.

AN ACT to appropriate a sum of money therein named to the Milwaukee Industrial School.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation.

SECTION 1. There is hereby appropriated for the purpose of erecting suitable buildings for the use of the Milwaukee Industrial School for Girls, out of any money in the general fund not otherwise appropriated, the sum of fifteen thousand dollars, which shall be drawn from the state treasury in the manner following:

Conditions.

SECTION 2. No part of said sum shall be paid or drawn therefrom until the said Milwaukee Industrial School for Girls shall, without cost to the state, procure and cause to be conveyed to the state of Wisconsin, in fee simple, suitable grounds upon which to erect the said buildings, and carry on the said industrial school, which said selection shall first be approved by the governor, secretary of state and state treasurer.

SECTION 3. The said Milwaukee Industrial School shall procure, at its own expense, and submit for the approval of the governor, secretary of state and state treasurer, suitable plans and specifications for the said buildings, and upon the approval thereof by them, the said secretary of state may, from time to time, draw his warrant upon the state treasury for such part of said sum of fifteen thousand dollars as shall be determined by said governor, secretary of state and state treasurer to be reasonable and proper to be paid toward the cost of construction thereof; but such payments shall not in the aggregate, exceed the said sum of fifteen thousand dollars, and no part of said sum shall be so laid out, paid or expended, until a contract shall be entered into with sufficient sureties to the satisfaction of said state officers above named, for the full and perfect completion of said buildings for said sum of fifteen thousand dollars, or less. **Duty of industrial school and state officials.**

SECTION 4. The said buildings, when so erected and completed, shall be the property of the state, and shall be used by the said industrial school for girls without charge for rent, or other charge, except that said corporation shall keep the same in repair, the same insured in such reasonable sum as may be determined by the governor; and so long as the said buildings are so kept in repair and insured, and used by the said corporation for the uses of the said industrial school for girls, to the satisfaction of the legislature of Wisconsin, the said corporation may and shall have the free and unrestricted use thereof, subject, however, to the right of the state to take the said buildings and lands into its own possession whenever in the judgment of the legislature the same shall not be satisfactorily used for the purpose herein intended to be provided for. **Title to vest in state.**

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1878.

[No. 52, S.] [Published March 8, 1878.]

CHAPTER 90.

AN ACT to prevent the making and publication of deceptive statements in relation to the business of fire insurance.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Insurance companies prohibited from making deceptive statements.

SECTION 1. It shall not be lawful for any company, corporation, association, individual or individuals, now transacting, or now or hereafter authorized, under any existing or future laws of this state, to transact the business of fire insurance within this state, to state or represent, either by advertisement in any newspaper, magazine or periodical, or by any sign, circular, card, policy of insurance or certicate of renewal thereof, or otherwise, any funds as assets to be in possession of any such company, corporation, association, individual or individuals, and not actually possessed by such company, corporation, association, individual or individuals, and available for the payment of losses by fire, and held for the protection of holders of policies of fire insurance, and such statement shall also show the amount available and held in the United States.

Style of statement authorized.

SECTION 2. Every advertisement or public announcement, and every sign, circular or card hereafter made or issued by any company, corporation, association, individual or individuals, or any officer, agent, manager or legal representative thereof, now or hereafter authorized by any existing or future laws of this state to transact the business of fire insurance within this state, which shall purport to make known the financial standing of any such company, corporation, association, individual or individuals, shall exhibit the capital actually paid in in cash, and the amount of net surplus of assets over all liabilities of such company, corporation, association, individual or individuals, actually available for the payment of losses by fire, and held for the protection of holders of their policies of fire insurance, including in such liabilities capital actually paid in, and the fund reserved for reinsurance of outstanding risks, and shall correspond with the verified statement made by the company, corporation, association, individual or individuals, making or issuing the same to the insurance department of this state, next preceding the making or issuing of the same.

SECTION 3. It shall be unlawful for any company, association or corporation, transacting the business of fire insurance in this state, to publish any statement, by newspaper advertisment, card or otherwise, which shall represent said company as transacting a different business than it in reality is, in regard to the nature and class of risks written by said company. Deception prohibited.

SECTION 4. Any company, association or corporation, transacting the business of fire insurance in this state, shall cancel any policy of insurance at any time, by request of the party insured or his assignee, and shall return to said party the amount of premium paid, less the customary short rate premium, for the expired time of the full term the said policy has been issued. Rights of policy-holders; policies and premiums shall be returned.

SECTION 5. Any violation of any provision of this act shall, for the first offense, subject the company, corporation, association, individual or individuals guilty of such violation, to a penalty of five hundred dollars, to be sued for and recovered in the name of the people, with costs and expenses of such prosecution, by the district attorney of any county in which the company, corporation, assocation, individual or individuals, shall be located or may transact business, or in any county where such offense may be committed, and such penalty, when recovered, shall be paid into the treasury of such county, for the benefit of the school fund. Every subsequent violation shall subject the company, corporation, association, individual or individuals, guilty of such violation, to a penalty of not less than one thousand dollars, which shall be sued for, recovered and disposed of in like manner as for the first offense. Penalty for violation.

SECTION 6. This act shall take effect and be in force on and after July first, 1878.

Approved March 7, 1878.

[No. 94, S.] [Published March 11, 1878.]

CHAPTER 91.

AN ACT to amend section two of chapter II. of chapter two hundred and thirty-eight of the general laws of Wisconsin for the year one thousand eight hundred and seventy-six, entitled "An act to revise, consolidate and amend an act entitled 'An act to incorporate the city of Waupaca, approved March eight, one thousand eight hundred and seventy-five.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section two of chapter II. of chapter Amendment.

two hundred and thirty-eight, of the laws of Wisconsin of one thousand eight hundred and seventy-six is hereby amended by adding to said section the following: *provided*, that said city of Waupaca shall consist of but one election precinct, and all elections, either general, special or charter, shall be held at such place within said city as the common council may designate. That the city council at a regular or a special meeting, called for that purpose, in the month of March next, shall elect inspectors of elections for said city, under the provisions of chapter two hundred and sixty-four of the laws of one thousand eight hundred and seventy-seven, and such inspectors, so elected, shall hold their office as such inspectors until the next annual election of inspectors in September, A. D., one thousand eight hundred and seventy-eight.

SECTION 2. This act shall take effect andbe in force from and after its passage.

Approved March 7, 1878.

[No. 77, S.] [Published March 12, 1878.]

CHAPTER 92.

AN ACT to repeal chapter two hundred and fifty-eight of the laws of Wisconsin of one thousand eight hundred and seventy-seven, relating to a dam across Little Wolf river in Waupaca county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repealed.

SECTION 1. Chapter two hundred and fifty-eight, laws of Wisconsin of one thousand eight hundred and seventy-seven, being an act entitled "An act relating to a dam on the Little Wolf river, in Waupaca county, and amendatory of section four of chapter one hundred and fifty-nine of the laws of Wisconsin of one thousand eight hundred and seventy-three, is hereby repealed, and the provisions of section four chapter one hundred and fifty-nine, laws of one thousand eight hundred and seventy-three, are hereby restored and in full force.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1878.

[No. 263, A.] [Published March 8, 1878.]

CHAPTER 93.

AN ACT to authorize the city of Watertown to levy a tax to compromise its railroad indebtedness.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Power of council; amount of tax authorized.

SECTION 1. The common council of the city of Watertown is hereby authorized to levy a special tax of seventy thousand dollars, for the purpose of enabling said city to compromise with its creditors as provided in this act. Said tax to be levied and collected in the manner now provided by law for the levy and collection of general taxes, but in two installments of thirty-five thousand dollars each, and at the times fixed by sections three (3) and four (4) of this act.

Duty of city clerk.

SECTION 2. It is hereby made the duty of the clerk of said city to provide for and keep a suitable book, in which he shall register all unpaid outstanding bonds and coupons which have been issued by said city, in aid of any railroad company, by recording the name of the owner, the number and description and amount of said bonds and coupons, whenever they shall be presented to him for that purpose, accompanied with an agreement in writing, executed by the owner or owners of said bonds or coupons, binding such owner or owners to accept in full payment of his bonds and coupons, and all judgments upon the same, such a sum of money as shall bear the same proportion to the whole amount of said tax as the aggregate amount of his bonds and coupons, whether in judgments or not, shall bear to the whole amount of bonds and coupons registered as hereinbefore provided.

Payment of judgments, etc. provided for.

SECTION 3. As soon as all the outstanding bonds and coupons issued as aforesaid, including those upon which judgments have been entered up, shall, in the opinion of the common council, have been registered with said clerk, then it shall be the duty of the common council to levy and collect a tax of thirty-five thousand dollars on all taxable property in said city, as provided in section one (1) of this act, and apply the same, first, to the payment of the judgments which have been entered upon any such bonds or coupons; and afterwards, to the payment of other bonds and coupons, in the order in which they shall be registered, at the rate aforesaid.

Payments of judgments, etc.

SECTION 4. At the annual assessment and collection of taxes in said city next succeeding the first levy of thirty-five thousand dollars, the city council shall levy and collect the remaining thirty-five thousand dollars of the tax provided for in section one (1) of this act, and apply the same to the payment of the balance of said bonds and coupons.

Levy and collection of tax to be conditional.

SECTION 5. Nothing contained in this act shall authorize the levy or collection of any tax, until a valid agreement in writing is made, either under this act or otherwise, pursuant to which the whole indebtedness of said city shall be liquidated by means of the tax authorized by the act; and none of the money raised pursuant to the foregoing provisions shall be paid out or disposed of in any other manner, or for any other purpose than therein set forth.

Certain liabilities not included.

SECTION 6. None of the provisions of this act shall be construed to apply to the city improvement bonds, or to the bonds known as the compromise bonds, issued since the year eighteen hundred and sixty-nine.

Authority of street commissioners.

SECTION 7. The board of street commissioners of said city shall have full power to carry out the provisions of this act, except the levying of taxes.

SECTION 8. This act shall take effect from and after its passage and publication.

Approved March 7, 1878.

[No. 201, A.] [Published March 11, 1878.]

CHAPTER 94.

AN ACT for the preservation of fish in Brown's lake, in the county of Racine, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Fishing made unlawful; penalty for violation.

SECTION 1. No person or persons shall by hook and line, or other contrivance or device, take any fish from the waters of Brown's lake, in the county of Racine, Wisconsin, between the first day of November and the first day of April in any year, from and after the passage of this act; and any person or persons who shall violate the provisions of this section shall, on conviction thereof, be subject to a fine, for each and every such offense, of not less than five nor more than fifty dollars, with the costs of suit.

SECTION 2. Justices of the peace, shall have jurisdiction to hear, try and determine all cases arising under the provisions of this act: *provided*, that the defendant shall not be deprived of his right of trial by jury, nor of his right of appeal, as in other cases. Courts having jurisdiction.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1878.

[No. 147, A.] [Published March 12, 1878.]

CHAPTER 95.

AN ACT to repeal chapter sixty seven, general laws of 1871, relating to the taxing of dogs.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter sixty-seven of the general laws of 1871, entitled "An act to protect and encourage the raising of sheep, and discourage the raising of dogs," is hereby repealed. Repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1878.

[No. 274, A.] [Published March 11, 1878.]

CHAPTER 96.

AN ACT authorizing the city of Manitowoc to issue certificates of indebtedness.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The board of aldermen of the city of Manitowoc is hereby authorized to issue certificates of indebtedness for the sum of three thousand dollars, bearing interest at seven per cent. per annum, in payment for a steam fire engine: *provided*, the amount of such certificates, including all existing indebtedness, shall not exceed in the aggregate, five per centum on Authority of board of aldermen.

the value of the taxable property in said city of Manitowoc, to be ascertained by the last assessment for state and county taxes, previous to the incurring of such indebtedness.

SECTION 2. This act shall be in force from and after its passage and publication.

Approved March 7, 1878.

[No. 313, A.] [Published March 12, 1878.]

CHAPTER 97.

AN ACT to legalize the official acts of R. W. Button, a notary public in Shawano county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Legalized.

SECTION 1. All the official acts of R. W. Button, as notary public in and for Shawano county, from the fifth day of December, 1876, to the fifth day of July, 1877, are hereby legalized and made as valid to all intents and purposes, as though the said R W. Button had been duly appointed and commissioned as such notary public during said time.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1878.

[No. 271, A.] [Published March 12, 1878.]

CHAPTER 98.

AN ACT to legalize the proceedings of the board of supervisors of Chippewa county, in electing county superintendents of poor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Legalized.

SECTION 1. The proceedings of the county board of supervisors of Chippewa county, at their session in November, 1877, in choosing and electing superintendents of poor is hereby declared in all respects legal and valid.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 7, 1878.

[No. 115, A.] [Published March 11, 1878.]

CHAPTER 99.

AN ACT to amend chapter fifteen of the revised statutes, entitled "of towns and town officers; powers and duties of towns."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section eighty of chapter fifteen of the revised statutes is hereby amended so as to read as follows: Section 80. The town board shall meet in each year on the Tuesday next preceding the annual town meeting to be held in such town, and also on the first Tuesday of December, for the purpose of auditing and settling all charges against the town; and they shall indorse on each account the amount allowed by them thereon, but no allowance shall be made for any account which does not specifically state each item of the same and the nature thereof: *provided*, that said board may also meet at such other time or times as they shall deem necessary for the purpose of auditing and settling charges against the town, but no such special meeting shall be held unless notice of the same shall be given to each supervisor at least two days prior to the time fixed therefor.

Amendment.

Duty of town boards.

SECTION 2. This act shall take effect and be in full force from and after its passage and publication.

Approved March 7, 1878.

[No. 279, A.] [Published March 12, 1878.]

CHAPTER 100.

AN ACT to amend chapter one hundred and eighty-one of the laws of Wisconsin for 1877, entitled "An act relating to the board of equalization of the city of Manitowoc, and amendatory of section four of chapter two hundred and seventy-five of the private and local laws of 1870, entitled 'An act to incorporate the city of Manitowoc.' "

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter one hundred and

Amendment.

eighty-one of the laws of Wisconsin for 1877, entitled "An act relating to the board of equalization of the city of Manitowoc, and amendatory of section four of chapter two hundred and seventy-five of the private and local laws of 1870, entitled 'An act to incorporate the city of Manitowoc,'" is hereby amended by adding after the figure four, in the first line of said section, the words, 'of chapter nine," so that when amended it shall read as follows: Section four of chapter nine of chapter two hundred and seventy-five of the private and local laws of 1870, is hereby amended to read as follows: "The mayor, city clerk, city assessor and one alderman from each ward of the city, to be selected by the alderman from such wards, shall constitute the board of equalization. The mayor shall be the president, and the city clerk, the clerk of said board of equalization."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1878.

[No. 146, A.] [Published March 12, 1878.]

CHAPTER 101.

AN ACT to authorize the levy of a special tax in the twelfth ward of the city of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Tax levy authorized.

SECTION 1. The common council of the city of Milwaukee is hereby authorized and empowered, at the time of levying other city taxes, for the year 1878, in addition to the account now authorized to be raised by law, for ward purposes in twelfth ward of said city, to levy a tax of not exceeding two and one-half mills on the dollar, upon all taxable property, real and personal, in said ward. Said tax shall be collected at the same time and in the same manner as other city taxes are collected, and shall be used for ward purposes in said ward.

Manner of collection.

SEC ION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1878.

[No. 204, A.] [Published March 12, 1878.]

CHAPTER 102.

AN ACT in relation to the filing estimates and assessments of benefits and damages made by the board of public works of the city of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Every estimate and assessment of benefits or of benefits and damages, hereafter made by the board of public works of the city of Milwaukee, under sub-chapter seven of chapter one hundred and eighty-four of the laws of Wisconsin for 1874, and the acts amendatory thereof, as soon as such assessment is confirmed by the common council of said city, shall be filed by the city clerk in the office of the comptroller of said city. **Estimates and assessments to be filed in the office of city comptroller.**

SECTION 2. It shall be the duty of the city clerk of said city to deliver to the comptroller of said city all duplicate estimates and assessments for street work now on file in his office. **Duty of city clerk.**

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1878.

[No. 144, A.] [Published March 12, 1878.]

CHAPTER 103.

AN ACT to repeal chapter one hundred and fifty-nine of the laws of Wisconsin for 1876, entitled "An act to authorize the improvements of streets in the Second ward of the city of Milwaukee, and to authorize the levy of a special tax therefor in said ward.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That chapter one hundred and fifty-nine of the laws of Wisconsin for 1876, entitled "An act to authorize the improvement of streets in the second ward of the city of Milwaukee, and to authorize the levy of a special tax therefor in said ward," be, and hereby is, repealed. **Repeal.**

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1878.

[No. 498, A.] [Published March 12, 1878.]

CHAPTER 104.

AN ACT to repeal section one of chapter one hundred and forty-four of the laws of 1875, entitled "An act to amend chapter one hundred and eighty-four of the laws of 1874, entitled 'An act to revise, consolidate and amend the charter of the city of Milwaukee, approved Feb. 20, 1852, and the several acts amendatory thereto.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repeal.

SECTION 1. Section one (1) of chapter one hundred and forty-four (144) of the laws of 1875, entitled "An act to amend chapter one hundred and eighty-four (184) of the laws of 1874, entitled 'An act to revise, consolidate and amend the charter of the city of Milwaukee, approved Feb. 20, 1852, and the several acts amendatory thereto," is hereby repealed.

SECTION 14. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1878.

[No. 76, S.] [Published March 12, 1878.]

CHAPTER 105.

AN ACT to authorize R. A. Kidd and Socrates Chandler, to keep and maintain a ferry across the Mississippi River, in the county of Grant, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location of ferry; life of charter, etc.

SECTION 1. That R. A. Kidd and Socrates Chandler, of the town of Glen Haven, Grant county, Wisconsin, their associates, heirs, assigns and legal representatives, shall have the exclusive right and privilege to keep and maintain a ferry across the Mississippi river between the town of Glen Haven in Wisconsin and the city of Guttenberg in Iowa, for the period of ten years, on section fifteen, town four north, of range six, west of the fourth principal meridian, in Grant county, Wisconsin, and no ferry shall be authorized within three miles above or below the place where said ferry shall be established.

Regulations; schedule of rates.

SECTION 2. The said ferry shall be subject to such regulations as ferries are or may by law be subject to,

and the proprietors thereof shall be entitled to receive for crossing:

For each vehicle and driver drawn by two horses, mules, or one yoke of oxen	$1.00
For each additional person	10
For each person	25
For each one horse carriage and driver	60
For each horse and rider	40
For each hog and sheep, less than ten	10
For each hog and sheep, more than ten	08
For each 100 lbs. of loose freight	10
For each express package	25
For each head of neat cattle	25

SECTION 3. If, however, the said river shall be obstructed by the running of ice, so as to make it difficult or more dangerous to cross than usual, the rates shall be such as may be agreed upon by the proprietors of the ferry and those wishing to cross. Privileges of corporators.

SECTION 4. All acts or parts of acts interfering and conflicting with this act are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1878.

[No. 212, A.] [Published March 12, 1878.]

CHAPTER 106.

AN ACT to authorize and empower cemetery associations to erect buildings for the purpose of holding burial services therein.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Any cemetery association incorporated agreeably to law may erect upon lands belonging to such association, a suitable building for the purpose of holding burial services therein. Power of cemetery association.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved March 7, 1878.

[No. 135, A.] [Published March 11, 1878.]

CHAPTER 107.

AN ACT to amend chapter twenty-five of the laws of 1876, entitled "An act to create a municipal court for the county of Chippewa."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amendment; vacancy—how filled.

SECTION 1. Section two, chapter twenty-five of the general laws of 1876, entitled "An act to create a municipal court for the county of Chippewa," is hereby amended by adding thereto, at the end thereof, the words, "and in case of vacancy occurring in the office of municipal judge, the vacancy shall be filled by appointment by the governor, and the person appointed to fill such vacancy shall continue in office for the residue of the term for which his predecessor was elected."

The nearest justice of the peace shall have jurisdiction.

SECTION 2. Section eight of said chapter is hereby amended by striking out the words "county judge" when they appear in the first line of said section, and by inserting in lieu thereof the words "the nearest justice of the peace of said county," so that said section when amended shall read as follows: The nearest justice of the peace of said county, in case of a vacancy in the office of the municipal judge of said county, or in his absence or inability to act, shall have all the power and jurisdiction of the municipal judge, and it shall be his duty to act in the same, and discharge all the duties of said municipal judge until such vacancy is filled by election or such absence or inability to act by the municipal judge is removed.

Actions and proceedings not to be removed.

SECTION 3. Section ten of said chapter is hereby amended so as to read as follows: No action, examination or other proceeding shall be removed from said court, but whenever it shall appear by affidavit that the municipal judge is interested pecuniarily in the action, examination or other proceedings, or that said judge is a material witness in said action, or is within the forbidden degree of consanguinity, the municipal judge shall notify the nearest justice of the peace in the county of Chippewa not disqualified to try said case or to hear said examination or other proceeding, for the reason stated above, to appear and try said action, or to hear said examination or other proceeding, as the case may be; whereupon it shall be the duty of said justice so notified as aforesaid, to forthwith appear at the court room of said municipal court, and to discharge

Procedure in case of incompetency of municipal judge.

the duties of judge of said municipal court on the trial of said case, or the hearing of said examination or other proceeding, in the same manner and with like effect as said municipal judge would, if not disqualified to act, and the doings of said justice of the peace, while so presiding over said municipal court, shall have and be of the same force and effect as like proceedings of said municipal judge, and when said action, examination or other proceeding is concluded, a like record, as in other like cases, shall be made in said court, and thereafter, and thereupon, execution may be issued as in other cases tried before said municipal judge. Said justice of the peace, while presiding over said municipal court, shall receive the same fees as are allowed by law to said municipal judge for like service.

Office of judge to be at Chippewa Falls.

SECTION 4. Section twelve of said chapter is hereby amended by striking out the words "in the court house," where they appear in third line of said section, and the words "to be selected by the county board of supervisors of," where they appear in lines three and four of said section, so that said section, when amended, shall read as follows: "The judge of the municipal court of Chippewa county shall hold his office in some suitable room at Chippewa Falls, Chippewa county."

Rights of plaintiff.

SECTION 5. Said chapter twenty-five is hereby amended by adding thereto an additional section, to be known as section fifteen, as follows: "In all actions in the municipal court for the county of Chippewa, the plaintiff, if he shall obtain judgment, shall be entitled to recover attorney-fees, as follows: On all judgments taken by default, when the amount of the judgment exceeds one hundred dollars, and is less than three hundred dollars, ten dollars; when the amount of the judgment is three hundred dollars or upwards, fifteen dollars. On all other judgments, when the amount does not exceed one hundred dollars, an amount equal to ten per cent. of the amount of the judgment. When the amount of the judgment exceeds the sum of one hundred dollars, ten dollars on the first one hundred dollars, and five per cent. on the amount of the judgment in excess of one hundred dollars: *provided*, that in no case shall the amount of the attorney-fees exceed the sum of twenty dollars. And in case judgment shall be for the defendant, he shall be entitled to recover attorney-fees, as follows: In all cases where the plaintiff shall claim in his complaint one hundred dollars or less, an assessment equal to ten per cent. of such claim; in all cases where the plaintiff shall claim in his com-

Rights of defendant.

plaint a sum over one hundred dollars, ten dollars for the first one hundred dollars, and five per cent. on the amount claimed in excess of one hundred dollars: *provided*, that in no case shall the amount of the attorney's fees exceed the sum of twenty dollars. The provisions of this act shall apply to proceedings for the recovery of possession of personal property, and the value of the property found and claimed shall be the basis for the taxation of attorney's fees, and in all other civil actions not herein provided for, an attorney fee of ten dollars shall be allowed to the party in whose favor the judgment is rendered: *provided, however*, that no attorney fee shall be allowed unless the party who recovers judgment shall appear by an attorney of a court of record.

Attorney fees.

Confession of judgment; limit.

SECTION 6. A judgment, by confession, may be entered before the municipal judge of the municipal court for the county of Chippewa, in any sum not exceeding five hundred dollars, without action, either for money due or to become due, or to secure any person against contingent liability on behalf of the defendant, or both, if a statement in writing be made, signed by the defendant and verified by his oath, to the following effect: First, It must state the amount for which judgment may be entered, and authorize the entry of judgment therefor by the municipal judge of said court. Second, If it be for money due or to become due, it must state concisely the fact out of which it arose, and must show that the sum confessed therefor is justly due or to become due. Third, If it be for the purpose of securing the plaintiff against a contingent liability, it must state concisely the fact constituting the liability, and must show that the sum confessed does not exceed the same.

Oath of defendant.

SECTION 7. This act shall take effect and be in force from and after it passage and publication.

Approved March 7, 1878.

[No. 359, A.] [Published March 12, 1878.]

CHAPTER 108.

AN ACT to appropriate to Hugh Lewis a sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation.

SECTION 1. There is hereby appropriated from the general fund out of any money not heretofore appro-

priated, to Hugh Lewis, the sum of one hundred and seventy-five dollars, as compensation for services rendered by him as custodian of public books in the capitol, from July 1st, 1874, to January 1st, 1875.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1878.

[No. 234, A.] [Published March 12, 1878.]

CHAPTER 109.

AN ACT to legalize the official acts of the board of trustees of the Fremont Cemetery Association, in Waupaca county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The official acts of the board of trustees of the Fremont Cemetery Association of Waupaca county are hereby legalized and declared to be as valid and of the same force and effect as if the certificate of association had been filed at the time prescribed by law. Legalized.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 7, 1878.

[No. 187, A.] [Published March 12, 1878.]

CHAPTER 110.

AN ACT to legalize the official acts of William L. Shumway, a justice of the peace in the town of Raymond, in the county of Racine, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The official acts of William L. Shumway, a justice of the peace elected at the annual town meeting held in the town of Raymond, in the county of Racine, on the 5th day of April, 1875, performed by him between the 15th day of April, 1875, and the time that this act shall take effect, are hereby declared as legal and effective to all intents and purposes as if he had filed his bond with the clerk of the circuit Legalized

court of the county of Racine, within the time prescribed by the statute.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1878.

[No. 161, A.] [Published March 12, 1878.]

CHAPTER 111.

AN ACT to legalize certain acts of the Rocky Mound Grange Company, in and about the reorganization of the same.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Legalized.

SECTION 1. To the end that technical objections to the payment of assessments upon the stock in the "Rocky Mound Grange Company," of the town of Mentor, in the county of Clark, may be obviated, all the acts of said company in and about the reorganization of the same, be and the same are hereby legalized and confirmed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1878.

[No. 78, A.] [Published March 16, 1878.]

CHAPTER 112.

AN ACT to consolidate and amend the act to incorporate the city of Beaver Dam, and the several acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Consolidated.

First, the act entitled an act to incorporate the city of Beaver Dam, approved March 18, 1856, and the several acts amendatory of the same, are hereby consolidated and amended so as to read as follows:

TITLE I.

CITY AND WARD BOUNDARIES.

Incorporated.

SECTION 1. All that district of country in the county of Dodge hereinafter described, shall be a city by

the name of Beaver Dam, and the people now inhabiting, and those who shall inhabit said district, shall be a municipal corporation by the name of the city of Beaver Dam, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto, shall have and possess the powers hereinafter granted, and the authorities thereof shall have perpetual succession; shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, in all courts of law or equity, and shall have a common seal, and may change and alter the same at pleasure. Name and powers.

SECTION 2. All that section of country in towns number eleven (11) and twelve (12) north, of range fourteen (14) east, to wit: section number four (4), and east three-fourths (3-4) of section number five (5), and the west one-fourth (1-4) of section number three (3) in township number eleven (11), and section number thirty-three (33), and the east two-thirds (2-3) of section number thirty-two (32), and the west half of section number thirty-four (34), the south half of section number twenty-eight (28), and the east three-fourths (3-4) of the south half of section number twenty-nine (29), and the south-west quarter of section twenty-seven (27), in township number twelve (12) north, of range number fourteen (14) east, aforesaid, shall be included in and constitute the limits of the city of Beaver Dam. City boundaries

SECTION 3. The city of Beaver Dam shall be divided into four wards, as follows, to-wit: All that portion of said city lying west of the center of Center street, and south of the Beaver Dam river and mill pond, shall constitute the first ward. All that portion of country of said city east of the said Center street, and south of the center of Front street, shall constitute the second ward. All that section of country of said city north of the center of Front street, and east of the center of Spring street to De Clark street, and east of the center of De Clark street to the city limits, shall constitute the third ward. All that portion of said city west of the center of Spring street and De Clark street to the city limits, and not embraced in the first ward, shall constitute the fourth ward. Ward boundaries.

TITLE II.

ELECTIONS.

SECTION 1. The elective officers of said city shall be a mayor, a treasurer, a street commissioner, a superintendent of schools, a marshal; and for each ward three Elective officers and terms of office.

two hundred and thirty-eight, of the laws of Wisconsin of one thousand eight hundred and seventy-six is hereby amended by adding to said section the following: *provided*, that said city of Waupaca shall consist of but one election precinct, and all elections, either general, special or charter, shall be held at such place within said city as the common council may designate. That the city council at a regular or a special meeting, called for that purpose, in the month of March next, shall elect inspectors of elections for said city, under the provisions of chapter two hundred and sixty-four of the laws of one thousand eight hundred and seventy-seven, and such inspectors, so elected, shall hold their office as such inspectors until the next annual election of inspectors in September, A. D., one thousand eight hundred and seventy-eight.

SECTION 2. This act shall take effect andbe in force from and after its passage.

Approved March 7, 1878.

[No. 77, S.] [Published March 12, 1878.]

CHAPTER 92.

AN ACT to repeal chapter two hundred and fifty-eight of the laws of Wisconsin of one thousand eight hundred and seventy-seven, relating to a dam across Little Wolf river in Waupaca county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repealed.

SECTION 1. Chapter two hundred and fifty-eight, laws of Wisconsin of one thousand eight hundred and seventy-seven, being an act entitled "An act relating to a dam on the Little Wolf river, in Waupaca county, and amendatory of section four of chapter one hundred and fifty-nine of the laws of Wisconsin of one thousand eight hundred and seventy-three, is hereby repealed, and the provisions of section four chapter one hundred and fifty-nine, laws of one thousand eight hundred and seventy-three, are hereby restored and in full force.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1878.

[No. 263, A.] [Published March 8, 1878.]

CHAPTER 93.

AN ACT to authorize the city of Watertown to levy a tax to compromise its railroad indebtedness.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Power of council; amount of tax authorized.

SECTION 1. The common council of the city of Watertown is hereby authorized to levy a special tax of seventy thousand dollars, for the purpose of enabling said city to compromise with its creditors as provided in this act. Said tax to be levied and collected in the manner now provided by law for the levy and collection of general taxes, but in two installments of thirty-five thousand dollars each, and at the times fixed by sections three (3) and four (4) of this act.

Duty of city clerk.

SECTION 2. It is hereby made the duty of the clerk of said city to provide for and keep a suitable book, in which he shall register all unpaid outstanding bonds and coupons which have been issued by said city, in aid of any railroad company, by recording the name of the owner, the number and description and amount of said bonds and coupons, whenever they shall be presented to him for that purpose, accompanied with an agreement in writing, executed by the owner or owners of said bonds or coupons, binding such owner or owners to accept in full payment of his bonds and coupons, and all judgments upon the same, such a sum of money as shall bear the same proportion to the whole amount of said tax as the aggregate amount of his bonds and coupons, whether in judgments or not, shall bear to the whole amount of bonds and coupons registered as hereinbefore provided.

Payment of judgments, etc. provided for.

SECTION 3. As soon as all the outstanding bonds and coupons issued as aforesaid, including those upon which judgments have been entered up, shall, in the opinion of the common council, have been registered with said clerk, then it shall be the duty of the common council to levy and collect a tax of thirty-five thousand dollars on all taxable property in said city, as provided in section one (1) of this act, and apply the same, first, to the payment of the judgments which have been entered upon any such bonds or coupons; and afterwards, to the payment of other bonds and coupons, in the order in which they shall be registered, at the rate aforesaid.

Payments of judgments, etc.

SECTION 4. At the annual assessment and collection of taxes in said city next succeeding the first levy of thirty-five thousand dollars, the city council shall levy and collect the remaining thirty-five thousand dollars of the tax provided for in section one (1) of this act, and apply the same to the payment of the balance of said bonds and coupons.

Levy and collection of tax to be conditional.

SECTION 5. Nothing contained in this act shall authorize the levy or collection of any tax, until a valid agreement in writing is made, either under this act or otherwise, pursuant to which the whole indebtedness of said city shall be liquidated by means of the tax authorized by the act; and none of the money raised pursuant to the foregoing provisions shall be paid out or disposed of in any other manner, or for any other purpose than therein set forth.

Certain liabilities not included.

SECTION 6. None of the provisions of this act shall be construed to apply to the city improvement bonds, or to the bonds known as the compromise bonds, issued since the year eighteen hundred and sixty-nine.

Authority of street commissioners.

SECTION 7. The board of street commissioners of said city shall have full power to carry out the provisions of this act, except the levying of taxes.

SECTION 8. This act shall take effect from and after its passage and publication.

Approved March 7, 1878.

[No. 201, A.] [Published March 11, 1878.]

CHAPTER 94.

AN ACT for the preservation of fish in Brown's lake, in the county of Racine, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Fishing made unlawful; penalty for violation.

SECTION 1. No person or persons shall by hook and line, or other contrivance or device, take any fish from the waters of Brown's lake, in the county of Racine, Wisconsin, between the first day of November and the first day of April in any year, from and after the passage of this act; and any person or persons who shall violate the provisions of this section shall, on conviction thereof, be subject to a fine, for each and every such offense, of not less than five nor more than fifty dollars, with the costs of suit.

SECTION 2. Justices of the peace, shall have jurisdiction to hear, try and determine all cases arising under the provisions of this act: *provided*, that the defendant shall not be deprived of his right of trial by jury, nor of his right of appeal, as in other cases. Courts having jurisdiction.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1878.

[No. 147, A.] [Published March 12, 1878.]

CHAPTER 95.

AN ACT to repeal chapter sixty seven, general laws of 1871, relating to the taxing of dogs.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter sixty-seven of the general laws of 1871, entitled "An act to protect and encourage the raising of sheep, and discourage the raising of dogs," is hereby repealed. Repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1878.

[No. 274, A.] [Published March 11, 1878.]

CHAPTER 96.

AN ACT authorizing the city of Manitowoc to issue certificates of indebtedness.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The board of aldermen of the city of Manitowoc is hereby authorized to issue certificates of indebtedness for the sum of three thousand dollars, bearing interest at seven per cent. per annum, in payment for a steam fire engine: *provided*, the amount of such certificates, including all existing indebtedness, shall not exceed in the aggregate, five per centum on Authority of board of aldermen.

Payments of judgments, etc.

SECTION 4. At the annual assessment and collection of taxes in said city next succeeding the first levy of thirty-five thousand dollars, the city council shall levy and collect the remaining thirty-five thousand dollars of the tax provided for in section one (1) of this act and apply the same to the payment of the balance of said bonds and coupons.

Levy and collection of tax to be conditional.

SECTION 5. Nothing contained in this act shall authorize the levy or collection of any tax, until a valid agreement in writing is made, either under this act or otherwise, pursuant to which the whole indebtedness of said city shall be liquidated by means of the tax authorized by the act; and none of the money raised pursuant to the foregoing provisions shall be paid out or disposed of in any other manner, or for any other purpose than therein set forth.

Certain liabilities not included.

SECTION 6. None of the provisions of this act shall be construed to apply to the city improvement bonds or to the bonds known as the compromise bonds, issued since the year eighteen hundred and sixty-nine.

Authority of street commissioners.

SECTION 7. The board of street commissioners of said city shall have full power to carry out the provisions of this act, except the levying of taxes.

SECTION 8. This act shall take effect from and after its passage and publication.

Approved March 7, 1878.

[No. 201, A.] [Published March 11, 1878.]

CHAPTER 94.

AN ACT for the preservation of fish in Brown's lake, in the county of Racine, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Fishing made unlawful; penalty for violation.

SECTION 1. No person or persons shall by hook and line, or other contrivance or device, take any fish from the waters of Brown's lake, in the county of Racine, Wisconsin, between the first day of November and the first day of April in any year, from and after the passage of this act; and any person or persons who shall violate the provisions of this section shall, on conviction thereof, be subject to a fine, for each and every such offense, of not less than five nor more than fifty dollars, with the costs of suit.

SECTION 2. [illegible] diction to hear [illegible] the provisions of [illegible] shall not be deprived [illegible] of his right of [illegible]

SECTION 3. [illegible] from and after [illegible]

Approved [illegible]

[No. 147, A.] [illegible]

[illegible]

AN ACT to repeal [illegible]

The people of the [illegible] *and assembled* [illegible]

SECTION 1. [illegible] of 1871, [illegible] raising of [illegible] hereby repealed.

SECTION 2. [illegible] from and after [illegible]

Approved [illegible]

[No. 274, A.] [illegible]

[illegible]

AN ACT [illegible]

The people of the [illegible] *and assembled* [illegible]

SECTION 1. [illegible] Manitowoc [illegible] indebtedness for [illegible] bearing interest [illegible] ment for a [illegible] of each certificate [illegible] shall not exceed [illegible]

in, and such justice shall have power to hear, try and determine all such offenses, and any person convicted of any offense specified in this act, where no other punishment is provided by law or by any ordinance of said city, shall be punished by fine not less than three dollars nor more than fifty dollars, or by imprisonment in the county jail or city lock-up not less than three days nor more than fifty days, in the discretion of the justice; and in all cases the justice may impose the payment of the costs of prosecution upon the person so convicted, as a part of the punishment; and in default of payment of any such fine or costs, the justice shall commit the defendant to such county jail or lock-up for such number of days, not exceeding thirty nor less than five, as he may think proper; but in case any person shall be committed for nonpayment of any such fine or costs, he shall be discharged upon paying the same, together with the costs and expenses of his imprisonment, to the sheriff or other officer having charge of such jail or lock-up.

May commit without process.

SECTION 8. Any person making any arrest under the provisions of this act may, if necessary, commit the person arrested, to said jail or lock-up without process, and such person shall be delivered up to such officer by the keeper of said jail or lock-up, on demand and without process; the person so confined shall be taken before a justice of the peace within twenty-four hours (Sunday excepted) after such complaint, and the arresting officer shall make the complaint in every case of summary arrest, unless a formal complaint is filed by some other person, and process duly issued within the time specified, after the committal.

School superintendent—his powers and duties.

SECTION 9. The superintendent of schools shall be the executive officer of the board of education; he shall examine all teachers making applications for schools (examinations to be public and in the presence of the board); shall grant certificates to such persons so examined as shall be deemed by him and a majority of the board suitably qualified, and shall carry into effect the ordinances of the common council and the rules and regulations of the board in reference to the common schools; he shall also be especially charged with the care and custody of the several school-houses of the city, and, under the direction of the board, shall superintend the building, enlarging, improving, furnishing and repairing of all the school-houses ordered to be erected by them, and the making of all repairs and improvements on and around the same. In addi-

tion to the foregoing duties, he shall visit the common schools of the city at least once in each month and report their condition to the board, with such suggestions for their improvement as he may deem proper; he shall also perform such other duties, with respect to such schools, as the board may assign him. It shall be the duty of the superintendent between the first and fifteenth days of October in each year, to make and transmit to the county clerk of the county of Dodge a report in writing, bearing date on the first day of October, in the year of its transmission, stating —

1st. The number of schools taught within the city, and the length of time they have been taught by qualified teachers.

2d. The total amount of public money received for the use and benefit of such schools.

3d. The number of children taught in the common schools of the city, and the number of children residing in the city over the age of four and under the age of twenty years.

4th. The manner in which the public moneys have been expended, and whether any and what part remains unexpended, and for what cause.

5th. The amount of money raised in the city and paid for teachers' wages in addition to the public money raised therefor, the amount of taxes raised for the purchasing, repairing and insuring of school houses, for the purchase of school-house sites, for building, hiring, for fuel, for district libraries, or for any purposes allowed by law in said city, since the date of the last preceding reports, with such other information as the state superintendent may, from time to time, require.

Street commissioner—his powers and duties.

SECTION 10. It shall be the duty of the street commissioner to see that all ordinances of the city relating to the obstruction and cleaning of sidewalks, streets, alleys, public grounds, reservoirs, gutters, sewers and water courses within the city are duly observed and kept, and direct and control the persons employed therein. The street commissioner shall have a general supervision over all works let by contract for the improvement of streets or sidewalks, unless the common council shall otherwise provide. The street commissioner shall monthly report to the common council a correct statement of the labor expended by him on streets or sidewalks, and the names of the persons by him employed for street work, and the amounts to which they are entitled; and the street commissioner shall also perform all the acts and duties imposed upon

him, or prescribed by any ordinance or resolution of the common council, and the said street commissioner shall, at all times, be under the direction and control of the common council, and shall expend no more money upon streets than the common council may, from time to time, order, and at such place or places, and upon such street or streets, and to such an amount as shall be ordered by the common council.

Council may require further duties and appoint other officers.

SECTION 11. The common council shall have power, from time to time, to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties and to fix the compensation of all officers appointed by them; such compensation shall be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office.

Shall provide for printing by contract.

SECTION 12. The common council shall annually provide that all printing authorized and required by them to be done for their use for the city, shall be let to the lowest responsible bidder, for the term of one year, and may require sufficient security for the faithful performance of said contract. All ordinances, resolutions, notices and other proceedings required by the act hereby amended, or by the by-laws or ordinances of the common council to be published, shall be published in the newspaper selected under the provisions of this section, and the printer of said newspaper shall, in person or by his foreman, file with the clerk of the city, his or their affidavits of the length of time said ordinance, by-law or proceedings have been published, and such affidavit shall be conclusive evidence of the publication of such ordinance, resolution, by-law or proceeding.

Transfer of property to successor.

SECTION 13. If any person having been an officer in said city shall not, within ten days after notification and request, deliver to his successor in office, all property, moneys, books, papers and effects of every description in his possession, belonging to said city or pertaining to the office he may have held, he shall forfeit and pay to the use of the city one hundred dollars, besides all damages caused by his neglect or refusal so to deliver, and such successor may recover the possession of such books, papers and effects, in the manner prescribed by the laws of this state.

Peace officers—their duties.

SECTION 14. The mayor, sheriff of Dodge county,

aforesaid, each and every alderman, justice of the peace, marshal, constables and watchmen, shall be officers of the peace, and suppress in a summary manner, all rioting and disorderly behavior within the limits of the city, and for such purposes may command the assistance of all bystanders, and the mayor, president and marshal may command the assistance of all bystanders, and if needful, of all citizens and military companies; and if any bystanders, military officer or private shall refuse to aid in maintaining the peace when required, every such person shall forfeit and pay a fine of fifty dollars, and in case where the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present, in the order mentioned in this section, shall direct the proceedings.

City surveyor—his powers and duties.

SECTION 15. The common council may elect a city surveyor, who shall be a practical surveyor and engineer. He shall keep his office at some convenient place within said city, and the common council shall prescribe the duties and fix the fees and compensation for any service performed by him. All surveys, profiles, plans or estimates made by him for the city, shall be the property of the city, and shall be carefully preserved in the office of the surveyor, open to the inspection of the parties interested, and the same, together with all books and papers appertaining to said office, shall be delivered over by the surveyor at the expiration of his term of office, to his successor or the common council.

Justices—their rights, powers and jurisdiction.

SECTION 16. The justices of the peace provided for in this act shall hold their offices in the city of Beaver Dam, and shall have the same rights, powers and jurisdiction as justices of the peace elected in towns; and shall have jurisdiction to hear all complaints, and conduct all examinations and trials in criminal cases within the city, cognizable before a justice of the peace; and try all offenses against the ordinances of the city, and said justices shall have sole jurisdiction in all cases of offenses against the ordinances of said city, and defendants in criminal cases shall have the same right of appeal as provided by law; and in all cases of fine under the ordinances, defendants shall have the same right to an appeal, under the same provisions and requirements as now are, or may be, provided for taking appeals from justices of the peace.

Justices to make annual reports.

SECTION 17. On the first day of May in each year, or within ten days preceding said date, every justice of the peace before whom any proceedings have been had under this act, shall report to the common coun-

cil the names of all persons brought before him under this act, for what cause, the final disposition of the complaint, the amount of costs which have accrued upon such complaint, chargeable to the city (if any), to whom such costs are payable, and the amount of fines received by him in each case.

Form of complaint.

SECTION 18. The following or equivalent forms may be used in proceedings under this act, or in proceedings for any violation of the charter, or any ordinance of said city:

FORM OF COMPLAINT.

STATE OF WISCONSIN — *Dodge County* — City of Beaver Dam — ss.

A. B., being duly sworn and examined, makes complaint, and says, that in said city, on the —— day of ——, A. D., eighteen hundred and ——, one C. D. was guilty of (here state the nature of the offense) in violation of law, and prays that the said C. D. may be apprehended to answer therefor. A. B.

Subscribed and sworn to before me this —— day of ——, eighteen hundred and ——.

—— ——, Justice of the Peace.

Upon such complaint being filed with the justice, he may issue a warrant for the apprehension of the party complained of, which warrant may be in the following form: *provided, always*, that in case where an offender may have been arrested without warrant, the said justice may proceed upon the complaint alone.

FORM OF WARRANT.

Form of warrant.

STATE OF WISCONSIN — *Dodge County* — City of Beaver Dam — ss.

To the marshal of the city of Beaver Dam, or any of his deputies:

Whereas, A. B., has this day complained to me in writing on oath, that in the said city, on the —— day of ——, A. D. eighteen hundred and ——, one C. D, was guilty of (here state the nature of the offense.)

Now, therefore, in the name of the state of Wisconsin, you are hereby commanded to arrest the said C. D., and bring him before the undersigned, one of the justices of the peace of said county, to answer the said complaint, and to be dealt with according to law.

Given under my hand, this —— day of ——, A. D. eighteen hundred and ——.

E. F., Justice of the Peace.

SECTION 19. All of the general provisions of law concerning the trial of criminal offenses, the fees of officers and proceedings in which, upon the trial the justice finds he has not final jurisdiction of the cause, shall govern trials under this act, unless otherwise provided in this act: *provided*, that in all convictions under this act where a punishment for the offense is prescribed in the general statutes of this state, or in any ordinance of said city, the penalty so prescribed by the statutes or ordinances, shall be imposed upon the person so convicted; the city attorney, or such other person as the city council may designate, shall appear on behalf of the city in all suits or proceedings under this act, or in any other suit in which the city is interested. General provisions for criminal trials.

SECTION 20. All fines collected in pursuance of this act shall be paid into the city treasury by the person receiving the same, immediately after the receipt thereof, for the use of said city, and said city shall be liable for all costs and expenses arising in proceedings under this act, which are not imposed upon and paid by the defendant, except where such costs are imposed on the complainant, upon the justice certifying said complaint was willful and malicious. Disposition of fines.

TITLE IV.

SALARIES OF CITY OFFICERS.

SECTION 1. The several city officers hereinafter named, shall receive the following salaries for their services as such officers, and the same shall be accepted and shall be in full compensation for such services during the term of their respective offices, to wit: The city treasurer, the sum of four hundred and twenty-five dollars; the city clerk the sum of two hundred and fifty dollars; the superintendent of schools the sum of two hundred dollars; the city marshal the sum of two hundred dollars; the assessor of the first ward the sum of forty dollars; the assessors of the second, third and fourth wards, the sum of fifty-five dollars each; the street commissioner shall receive two dollars for each days' labor; the steward of the fire company the sum of fifty dollars per annum. Salaries.

SECTION 2. All salaries paid by the city to officers or others shall be payable monthly, at the end of each and every month, except assessors, who shall be paid at the conclusion of their duties each year. Salaries payable monthly.

TITLE V.

THE COMMON COUNCIL—ITS POWERS AND DUTIES.

Corporate authority vested in mayor and common council.

SECTION 1. The municipal government and the corporate authority of the city of Beaver Dam shall be vested in the mayor and common council. The board of aldermen, consisting of three members from each ward, shall constitute the common council, and the style of all ordinances shall be: "The common council of the city of Beaver Dam, do ordain," etc. The common council shall meet at such time and place as they, by resolution, shall direct; a majority of the aldermen shall constitute a quorum.

Stated and special meetings.

SECTION 2. The common council shall hold stated meetings, and the mayor may call special meetings by notice to each of the aldermen to be served personally or left at their usual place of abode. The common council shall determine the rule of its own proceedings and be the judge of the election and qualification of its own members, and shall have power to compel the attendance of absent members.

Special powers of the common council.

SECTION 3. The common council shall have the management and control of the finances and of all the property of the city, except as in this act otherwise provided; and shall likewise, in addition to all other powers herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances rules, by-laws and regulations, for the government and good order of the city, for the benefit of the trade, commerce and health thereof, for the suppression of vice, for the prevention of crime, for the protection of persons and property, and for carrying into effect the powers vested in said common council, as they shall deem expedient; and to declare and impose penalities, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules, by-laws and regulations; and such ordinances, rules, by-laws and regulations are hereby declared to be and have the force of law: *provided*, that they be not repugnant to the constitution of the United States or of this state, and for these purposes the common council shall have authority, anything in any general law of this state to the contrary notwithstanding, by ordinances, resolutions, by-laws, rules or regulation:

Licenses.

1. To regulate taverns, victualing houses, saloons, gardens and all other places within said city where wines and other liquors are sold to be drank on the

premises; and to license, regulate and restrain tavern-keepers, keepers of ordinaries, saloons, victualing-houses or other houses or places, or the selling or giving away spirtous, vinous or fermented liquors, and to prescribe the time for which such licenses should be granted, and to restrain any person from vending, giving or dealing in spirtuos or fermented liquors, unless duly licensed by authority of the common council: *provided*, that the amount charged for such license, shall in no case be less than twenty five (25) dollars, nor more than one hundred and fifty (150) dollars per annum.

Billiards, etc.

2. To license, tax, regulate, suppress or prohibit public billiard halls, nine or ten pin alleys, bowling saloons and ball alleys.

Regulation of showmen, etc.

3. To license, take, regulate, suppress, or prohibit all exhibitions of common showmen, shows of any and every kind, concerts or other musical entertainments by itinerant persons or companies; exhibitions of natural or artificial curiosities, caravans, circuses, theatrical performances, and all other exhibitions and amusements.

Gaming, etc.

4. To restrain or prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice, and other games of chance, for the purpose of gaming in said city, and to restrain and prohibit the keeping open of groceries, shops, stores, saloons and other places of amusement or business on Sunday, in said city, and to prohibit the performance of secular business on that day.

Riots, etc.

5. To prevent any riot, noise, disturbance or disorderly assemblages; to suppress and restrain disorderly houses and houses of ill-fame, and to authorize the destruction of all instruments and devices used for the purpose of gaming.

Nauseous places.

6. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome, nauseous house or place, to cleanse, remove or abate the same, from time to time, as often as it may be deemed necessary for the health and comfort and convenience of the inhabitants of said city.

Slaughter houses, tanneries, etc.

7. To direct the location and management of, and regulate breweries, tanneries, and packing houses; and to direct the location, management and construction of and regulate, license, restrain, abate or prohibit, within the city and the distance of four miles therefrom, distilleries, slaughtering establishments, establishments for steaming or rendering lard, tallow, offal and such other substances as can or may be rendered, and all estab-

lishments or places where any nauseous, offensive or unwholesome business may be carried on.

Public markets.

8. To establish and regulate public markets, determine their location, and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets; and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

Tainted meat, game or vegetables.

9. To regulate butchers, and to regulate and restrain the sale of game, poultry, fresh meat, vegetables, fish, butter, fruit, eggs and other provisions in the city, and to cause the seizure and destruction or other disposition of tainted or unwholesome meat, butter, vegetables, fruit or provisions.

Gunpowder.

10. To direct or prohibit the location and management of houses for the storing of gunpowder or other combustible and dangerous materials within the city.

Combustible materials.

11. To regulate and restrain the keeping and conveying of gunpowder and other combustible and dangerous materials, and the use of candles and lights in barns, stables and out-houses.

Fireworks.

12. To prevent shooting of fire arms and fire crackers, and to prevent the exhibition or use of any fireworks, at any time or in any situation which may be considered by the council dangerous to the city or to any property therein, or annoying to any citizen thereof.

Encumbering of streets, etc.

13. To prevent the encumbering of the streets, sidewalks, lanes, alleys, and public grounds with carriages, carts, wagons, sleighs, sleds, wheelbarrows, boxes, lumber, firewood, timber, posts, signs, awnings or any substance or material, or in any manner whatsoever.

Horse-racing.

14. To prevent horse racing, immoderate riding or driving in the streets, and to authorize any person to stop persons immoderately riding or driving as aforesaid; to prohibit and punish the abuse of animals; and to compel persons to fasten their horses, oxen or other animals attached to vehicles or otherwise, while standing or remaining in any street, alley or public grounds.

Swimming.

15. To regulate and determine the times and places of bathing and swimming in the rivers, harbors or other waters in and adjoining said city, and to prevent any obscene or indecent exhibition, exposure or conduct.

Vagrants and drunkards.

16. To restrain and punish vagrants, mendicants, street beggars and prostitutes, and to restrain drunkards, immoderate drinking or obscenity in the streets or public places, and to provide for arresting, removing

and punishing any person or persons who may be guilty of the same.

17. To restrain and regulate or prohibit the running at large of cattle, horses, mules, swine, sheep, goats, poultry and geese, and to authorize the distraining, impounding and sale of the same, for the penalty incurred, and the cost of the proceedings; and also to impose penalties on the owners of any such animals, for a violation of any ordinances in relation thereto. **Running at large of cattle, etc.**

18. To prevent the running at large of dogs, in the said city, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinances. **Destruction of dogs.**

19. To provide for licensing the keeping of dogs in the said city at a sum or rate of not less than one dollar ($1) nor more than five dollars ($5) a year for each dog, and to provide for a badge or token to be carried by each licensed dog; and for the secure muzzling of licensed dogs, and for the killing and destruction in a summary manner of all dogs not licensed, whenever the same may be found within the said city, and of licensed dogs running at large in the streets, alleys or public grounds in the said city; and to punish persons keeping unlicensed dogs. **Licensing of dogs.**

20. To license, regulate and suppress hackmen, draymen, cartmen, porters, omnibus drivers, cabmen, carmen and all others, whether in the permanent employment of any corporation or otherwise, who may pursue like occupations, with or without vehicles, also to license bill posters and prescribe their compensations. **Hackmen, etc.**

21. To prevent and regulate the rolling of hoops, flying of kites, playing of ball or other amusements or practices having a tendency to annoy persons passing in the streets or on the sidewalks, or to frighten teams and horses. **Amusements annoying.**

22. To regulate, control and prevent the landing of persons from boats or vessels wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city; and also to make regulations to prevent the introduction of contagious diseases into the city or their spread therein; and to make quarantine laws and regulations and enforce the same within the city, and not to exceed four miles beyond the city bounds. **Infectious diseases.**

23. To abate all nuisances which are or may be injurious to the public health, in any manner they may deem expedient, and to do all acts and make all regulations which may be necessary or expedient for the preservation of health and the suppression of disease. **Nuisances.**

Cemeteries.

24. To provide for and hold cemetery grounds for the burial of the dead, and to improve, protect and regulate the same, to provide by ordinance or resolution for the punishment by fine and imprisonment of any person or persons for injuring in any manner the fences, ornaments, trees, shrubbery plants, grave-stones, monuments, railings, buildings or other fixtures or improvements on the same, or by violating any ordinances or regulation of the common council enacted for the protection of such cemeteries against trespassers; and for that purpose all cemetery grounds owned by the city shall constitute and be held to be a part of the territory of said city, and to be within the jurisdiction of the same; to regulate the burial of the dead and registration of births and deaths; to direct the returning and keeping of bills of mortality, and to impose penalties on physicians, sexton and others for any default in the premises; also to provide for, hold and regulate grounds for the interment of dead animals.

To define nuisances.

25. To abate and remove all nuisances under the ordinances or at common law, and punish the authors thereof by penalties, fine and imprisonment and to define and declare what shall be deemed nuisances, and authorize and direct the summary abatement thereof; but nothing in this act shall be so construed as to oust any court of its jurisdiction to abate and remove nuisances in the streets or any other part of said city, or within its jurisdiction by indictment or otherwise.

Putrid carcasses.

26. To prevent any person from bringing, depositing or having within the limits of said city any putrid carcass or other unwholesome substance, and to require the removal or destruction of the same by any person who shall have upon or near his premises, any such substances, or any putrid or unsound beef, pork, fish, hides or skin, of any kind, and on his default, to authorize the removal or destruction thereof by some officer or officers of the city, at the expense of such person or persons.

Pest-houses.

27. To erect or establish one or more pest houses, hospital and dispensaries, and control and regulate the same.

Collection of persons — to prevent.

28. To prevent the ringing of bells, blowing of horns and bugles, crying of goods, and all other noises, performances and devices tending to the collection of persons on the streets or sidewalks by auctioneers or others, for the purpose of business, amusement or otherwise.

Steam whistles

29. To control, regulate or prohibit the use of steam whistles within the limits of the city.

30. To control and regulate the streets, alleys and public grounds in said city, and to remove and abate any obstructions and encroachments therein. **Obstructions.**

31. To compel owners or occupants of buildings or grounds to remove and keep snow, ice, dirt or rubbish from the sidewalk, street or alley, opposite thereto; and to compel such owners or occupants to remove from the lots owned or occupied by them, all such substances as the board of health shall direct, and on their default, to authorize the destruction or removal thereof by some officer of the city at the expense of such owners or occupants. **Remove rubbish, etc.**

32. To control, regulate, repair, mend and clean the streets and alleys, bridges, side and crosswalks, and open, widen, straighten, and vacate streets and alleys, and establish and alter the grade thereof, and prevent the encumbering of the streets and alleys in any manner, and protect the same from encroachment or injury, and to regulate the manner of using the streets and pavements of said city, and to protect the same from injury by vehicles used thereon. **Streets, alleys, bridges, etc.**

33. To prevent all persons from riding or driving any horse, ox, mule, cattle or other animal on the sidewalks in said city, or in any way doing any damage to such sidewalks. **Protection of sidewalks.**

34. To make, establish and regulate public pounds, pumps, wells, cisterns and reservoirs. **Pounds, cisterns, etc.**

35. To erect lamps and regulate the lighting thereof, and to provide for lighting the streets and public buildings with gas or otherwise. **Lighting streets and public buildings.**

36. To require every merchant, retailer, trader and dealer in merchandise or property of any description, which is sold by measure or weights, to cause his weights and measures to be sealed by the city sealer, and to be subject to his inspection, and to provide for the punishment of persons using false weights and measures. The standards of such weights and measures shall be conformable to those established by law in this state. **Weight and measures.**

37. To regulate the weighing and sale of hay, and the places and manner thereof; to regulate the cutting and sale of ice, and to restrain the sale of such as is impure; also to regulate the sale and measuring of wood, and the weighing and selling of coal and lime, and the places and manner thereof, and to appoint suitable persons to superintend and conduct the same, and define their duties. **Hay, fuel, etc.**

38. To regulate the times, places and manner of holding public auctions and vendues. **Auctions.**

Auctioneers, peddlers, runners, etc.

39. To tax, license and regulate auctioneers, distillers, brewers and pawnbrokers, and all keepers and proprietors of junk shops, and places for the sale and purchase of second hand goods, wares and merchandise, to tax, license, regulate and restrain hawkers and peddlers, transient dealers and runners, or solicitors for steamboats, vessels, cars, railroads, stages, public houses and other establishments; and other runners, including runners or solicitors for mercantile houses from other cities and towns, for the sale of goods, wares and merchandise by sample, order or otherwise, and keepers and proprietors of gift bookstores, gift concerts and other gift enterprises, and to fix and regulate the amount for licenses under this subdivision, and to prescribe the time for which such licenses shall be granted, and to provide and enforce penalties for carrying on either of said trades, kinds of business or employments without license, and to regulate the manner in which they shall be carried on, provided that no such license shall be granted for a less term than three months nor for a longer term than one year, and that the amount for any such license shall not be less than at the rate of ten dollars ($10) per year, nor greater than at the rate of one hundred dollars ($100) per year for the carrying on of either of said trades, kinds of business or employment.

Lumber and wood.

40. To regulate or prohibit the keeping of any lumber yard, and the placing, piling or selling of lumber, timber, wood, or other combustible material within the fire limits of said city.

Measuring of building materials, etc.

41. To regulate the measuring and inspecting of lumber, shingles, timber, posts, staves and headings, and all building materials, and to appoint one or more inspectors.

Fish.

42. To regulate the places and manner of selling fish.

Engines and boilers.

43. To provide for the inspection and regulation of stationery steam engines and boilers.

Inspectors and weighers.

44. To appoint inspectors and weighers and regulate their duties and prescribe their fees.

Public grounds

45. To establish and regulate public grounds.

Locomotives.

46. To regulate the speed of locomotive engines within the city, and to direct and control the location of railroad tracks, etc.

Police.

47. To appoint watchmen and policemen, and regulate the police and prescribe their duties.

Numbering.

48. To compel the owners and occupants of all houses, stores and other buildings within the city to number the same in such manner as the common council may from time to time prescribe.

49. To declare the weed commonly called the Canada thistle and other noxious plants and weeds on lots, parts of lots, railroad tracks and streets, and lands in said city, a public nuisance, and to proceed to abate the same, as the said city is authorized by law to abate other nuisances. Noxious weeds.

50. To impose fines for all violations within the limits of the said city of the general laws of the state, when in their judgment it is necessary for the peace and good order or for the health of the said city. Fines.

51. To direct and regulate the planting and preserving of ornamental trees in the streets and public grounds. Ornamental trees.

52. To preserve the purity of the waters of the river or lake, to prevent any use of the same or any act in relation thereto inconsistent with or detrimental to the public health, or calculated to render the waters of the same or any part thereof impure or offensive, or tending in any degree to fill up or obstruct the same; to prevent and punish the casting or depositing therein of any earth, dead animals, ashes or substances of filth, logs or floating matter, to prevent and remove all obstructions therein and punish the authors thereof. Purity of water.

53. To authorize the taking up, and to provide for the safe keeping and education, for such periods of time as may be deemed expedient, of all children who are destitute of proper paternal care, and growing up in mendicancy, ignorance, idleness and vice. Restraining of children.

54. To authorize the arrest, fine and imprisonment, as vagrants, of all persons who, not having visible means to maintain themselves, are without employment, idly loitering or rambling about, or staying in drinking saloons, houses of ill-fame or houses of bad repute, gambling houses, railroad depots or fire engine houses, or who shall be found trespassing in the night time upon the private premises of others, of begging or placing themselves in the streets or other thoroughfares or public places to beg or receive alms; also keepers, exhibitors, or visitors at any gaming table, gambling house, house of fortune telling, place of cock fighting or other device; and all persons who go about for the purpose of gaming or watch stuffing, or who shall have in their possession any article or thing used for obtaining money under false pretenses, or who shall disturb any place where public or private schools are held either on week day or Sabbath, or places where religious worship is held. Arrest of vagrants.

55. To regulate or prohibit the carrying or wearing Concealed weapons.

by any person under his clothes or concealed about his person of any pistol or revolver, or sling shot, or cross knuckles, or knuckles of lead, brass or other metal, or bowie knife, dirk knife, or dirk, or dagger, or any other dangerous or deadly weapon, and to provide for the confiscation or sale of such weapons.

Insecure chimneys, etc.

56. To control and regulate the construction of buildings, chimneys and smoke stacks, and to prevent and prohibit the erection or maintenance of any insecure or unsafe buildings, smoke stack, wall or chimney in said city, and to declare them to be nuisances, and to provide for their summary abatement.

Means of speedy egress.

57. To declare that it shall be unlawful for any hall, theater, opera house, church, school house, or building of any kind whatsoever, to be used for the assemblage of people, unless the same is provided with ample means for the safe and speedy egress of the persons assembled, in case of alarm.

Merchandise traffic.

58. To regulate the sale or traffic in merchandise in the city of Beaver Dam, as they may see fit, and to have power to grant license to transient dealers, or to require the payment into the city treasury of a certain percentage of the amounts received from sales by auctioneers and transient dealers.

Passage and publication of ordinances, etc.

SECTION 4. All laws, ordinances, rules, regulations, resolutions and by-laws, shall be passed by an affirmative vote of a majority of all the aldermen elect, and shall be signed by the mayor and shall be published in a paper or papers, selected by the council, printed in said city before the same shall be in force, and within fifteen days thereafter, they shall be recorded by the city clerk in books provided for that purpose, but before any of the said laws, ordinances, regulations or by-laws shall be recorded, the publication thereof, respectively within the said time shall be proved by the affidavit of the foreman or publisher of each newspaper, and the said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication.

Suppression of nuisances.

SECTION 5. The power conferred upon the said council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts, according to law. Gambling houses, houses of ill-fame, disorderly taverns and houses or places where spirituous, vinous or fermented liquors are sold without the license required thereof, houses or buildings of any kind wherein more than ten pounds of gunpowder are deposited, stored or kept

at any one time, are hereby declared and shall be deemed public or common nuisances.

SECTION 6. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioner, marshal and all other officers and agents of the city, at such times as they may deem proper, also at the end of each year, and before the term for which the officers of said city are elected or appointed shall have expired. And the common council shall require each and every officer and agent to exhibit his books, accounts and vouchers for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of the council in the discharge of their said duties, in pursuance of this section, or shall neglect or refuse to render his accounts or present his books and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant, and the common council shall order suits and proceedings at law against any officer or agent of said city, who may be delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all such settlements and adjustments. **Examination of accounts.**

SECTION 7. The common council shall have power to expel any member of said council from his seat as a member of said council, and from his office as alderman, or for any violation of his oath of office: *provided*, that no such member of the council or alderman shall be expelled unless two-thirds of the aldermen elect vote for such expulsion. **Expulsion of members.**

SECTION 8. No alderman shall be a party to, or interested in any job or contract with the city or any of the wards; and any contract in which any alderman may be so interested shall be null and void; and in case any money shall have been paid on any such contract, the common council may sue for and recover the amount so paid, from the parties to such contract, and the alderman interested in the same. **Aldermen not to be party to contract.**

SECTION 9. No voter shall be eligible to or hold more than one office under this charter at the same time. **Hold but one office.**

TITLE VI.

OPENING OF STREETS.

SECTION 1. The common council shall have power to lay out public squares, grounds, streets and alleys, and to widen the same as follows: Whenever ten or more freeholders residing in any ward shall, by peti- **Opening of streets.**

tion, represent to the common council that it is necessary to take certain lands, within the ward where such petitioners may reside, for public use, for the purpose of laying out public squares, grounds, streets or alleys, or the enlarging or widening of the same, the courses and distances, routes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises, if the same shall be known to the petitioners, to be set forth in such petition, the common council shall thereupon cause notice of such application to be given to the occupant or occupants of such land, if any there be, or if a portion of such lands shall not be in the actual occupation of any person, then the common council shall cause such notice, describing as near as may be the premises proposed to be taken, to be published in the official paper for two weeks, at least once in each week.

Application by petition.

SECTION 2. Such notice shall state that on a certain date therein to be named, not less than ten days from the service of such notice, or the expiration of such publication, as the case may be, application will be made to the judge of the circuit or county court of Dodge county, for the appointment of twelve jurymen to view said premises, and to determine whether it will be necessary or expedient to take the same for the purpose specified in said petition.

Appointment of jurymen to condemn.

SECTION 3. Upon the presentation of such application, and upon the proof of the publication or service of the notice hereinbefore required, the said judge shall thereupon appoint twelve reputable freeholders, residents of the city, but not residents of the ward in which said premises may be, nor interested in such application as such jurymen. The said judge shall thereupon issue his precept, directed to said jurymen, requiring them within ten days, to view said premises, to be specified in said precept, and to make returns under their hands to the common council, whether in their judgment it is necessary to take said premises for the purposes specified in such application.

Vacancy.

SECTION 4. If any of the jurymen so appointed shall be disqualified from acting, or shall refuse to act, the judge shall appoint others in their places, and a memorandum of such substitution shall be indorsed on the precept.

Shall view premises.

SECTION 5. The said jurymen, at such times as they shall agree upon, shall proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any party interested, which testi-

mony shall be reduced to writing by one of the jurymen, and either of the jurymen shall be authorized to administer the necessary oaths to witnesses.

SECTION 6. After viewing the premises and hearing such testimony as may be offered, the jurymen shall make a report of their proceedings, which shall be signed by them respectively, and which shall state whether, in their judgment, it is necessary to take the premises in question for the public use, which said report, testimony and precept shall be returned to the common council within the time limited therein. **Report of proceedings.**

SECTION 7. Should the jurymen report that it is not necessary to take such premises, the common council shall enter an order among their proceedings confirming said report, and directing the same jurymen, within ten days thereafter, or such further time as may be deemed proper, to again view said premises for the purpose of ascertaining and determining the amount of damages to be paid to the owner or owners of the property proposed to be taken; and also what lands or premises will be benefited by such taking, and to assess and return within the time limited, such damages and benefits to the common council. **Determination of damages.**

SECTION 8. If there should be any building standing wholly or in part upon the lands to be taken, the jurymen, before proceeding to make their assessments, shall first estimate and determine the whole value of each building to the owner, aside from the value of the land, and the injury to him in having such building taken from him. And secondly, the value of such building to him so removed. **Estimate of value of buildings.**

SECTION 9. At least ten days' previous notice of such determination shall be given to the owner or his agent, if known, and a resident of the city, or left at his usual place of abode. If not known, or a non-resident, notice to all persons interested shall be given by publication in the official paper three successive weeks; such notice shall specify the building, and the award of the jurymen. It shall also require the parties interested to appear by a day to be therein named, or give notice of their election to the common council, either to accept the award of the jurymen and allow such building to be taken with the land appropriated, or of their intent to remove said building at the value thereon set by the jurymen to remove. If the owner shall agree to remove such building, he shall have such time for this purpose as the common council may allow. **Notice of determination.**

SECTION 10. If the owner refuses to take the build- **Sale of buildings.**

ing at the value to remove, or fails to give notice of his election as aforesaid within the time prescribed, the common council shall have power to direct the sale of said building at public auction, for cash, giving ten days' notice of sale. The proceeds shall be paid to the owner, or deposited to his use.

Assessment of damages and benefits.

SECTION 11. The said jurymen, within the time limited, shall view and examine the premises proposed to be taken, and all such other premises as will in their judgment be injured or benefited thereby; after hearing such testimony as may be offered by any parties interested, and which shall be reduced to writing by one of said jurymen, they shall proceed to make assessments and to determine and appraise to the owner or owners the value of the real estate so proposed to be taken, and the injury arising to them, respectively, in consequence of the taking thereof, which shall be awarded to such owners respectively, as damages, after making due allowances therefrom for any benefit which such owners may respectively derive from such improvement. In the estimate of damages to the land, the jurymen shall include the value of the building or buildings (if the property of the owner of such lands), as estimated by the owner aforesaid, less the proceeds of the sale thereof, or, if taken by the owner at the value to remove, in such case they shall only include the difference between such value and the whole estimated value of such building or buildings.

Shall strike balance.

SECTION 12. If the damage to any person be greater than the benefit received, or if the benefit be greater than the damages, in either case the jurymen shall strike a balance and carry the difference forward to another column, so that the assessment will show what amount is to be received or paid by such owner or owners respectively, and the difference only shall in any case be collected by them and payable to them.

If property belongs to different persons.

SECTION 13. If the lands or buildings belong to different persons, or if the lands be subject to lease, judgment or mortgage, or if there be any estate in it less than an estate in fee, the injury done to such person or interests respectively may be awarded to them by the jurymen, less the benefits resulting to them respectively from the proposed improvements.

Apportionment of damages.

SECTION 14. Having ascertained the damages and expense of the proposed improvements, as aforesaid, the jurymen shall thereupon apportion and assess the same, together with the costs of the proceedings upon the real estate by them deemed benefited, in proportion to the

benefits resulting from the proposed improvement, as nearly as may be, and shall describe the real estate upon which the assessment may be made. The award of said jurymen shall be signed by them and returned, together with the testimony taken, to the common council within the time limited in their order of appointment.

Lands not to be taken till damages are paid.

SECTION 15. The land required to be taken for the purposes mentioned in this act shall not be appropriated until the damages awarded therefor to the owner thereof shall be paid or tendered to the owner or his agent, or in case the said owner or agent cannot be found or is unknown, deposited to his or their credit in some safe place of deposit, and then, and not before, such lands may be taken and appropriated for the purpose required, and the same shall thereafter be subject to all laws and ordinances of the city, in the same manner as streets, alleys and public grounds heretofore opened and laid out.

Lands under lease.

SECTION 16. When the whole of any lot or tract of land, or other premises under lease or under contract shall be taken by virtue of this act, all the covenants, contracts or agreements between landlord and tenant, or any other contracting parties touching the same or any part thereof, shall upon the confirmation of such report, respectively cease and be absolutely discharged.

When only part is taken.

SECTION 17. When part only of a lot or tract of land, or other premises so under lease or contract, shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements respecting the same, upon the confirmation of such report, shall be absolutely discharged as to the part thereof so taken, but shall remain valid as to the residue thereof; and the rents, considerations and payments reserved, payable and to be paid, for or in respect to the same, shall be so proportioned that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid or recoverable for, in respect to the same.

When damages to be paid.

SECTION 18. The damages assessed shall be paid or tendered, or deposited as herein required, within six months from the confirmation of such assessment and reports, and if not so paid, tendered and deposited, all the proceedings in any such case shall be void. The benefits so assessed, from the confirmation of said report, shall become and remain a lien upon the premises so determined by the jurymen to be benefited by the opening or widening of such street, alley or public ground.

In case of infants, etc.

SECTION 19. When any known owner of lands or tenements, affected by any proceedings under this act, shall be an infant, or labor under legal disability, the judge of the circuit court of Dodge county, or in his absence, the judge of any court of record in said county, may, upon the application of the common council, or such party or his next friend, appoint a guardian for such party; and all notices required by this act shall be served on such guardian.

Council may appoint new jurymen.

SECTION 20. After the jurymen shall have made their report as to the necessity of taking any lands under this act, and the same shall have been confirmed, the common council shall have the power to appoint new jurymen in the place of any who shall neglect or refuse to serve; and the jurymen, before entering upon the discharge of their duties, shall severally take an oath before some competent officer that they are freeholders of said city, and not interested in the premises proposed to be taken, and that they will faithfully discharge the trusts reposed in them.

May appeal from assessment.

SECTION 21. Any person whose property is taken, or against whom an assessment is made, may, within ten days from the return of the jurymen to the common council, appeal from said assessment of damages or benefits to the circuit court of Dodge county, where such appeal shall be tried by the court and jury as in ordinary cases. The common council shall have the same right of appeal.

Survey to be made.

SECTION 22. Whenever any public ground, street or alley shall be laid out, widened or enlarged, under the provisions of this chapter, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city surveyor.

TITLE VII.

IMPROVEMENT OF STREETS.

Survey of streets.

SECTION 1. The common council shall cause a survey of all streets to be made, and the grade thereof established, and an accurate and perfect map and profile of the same made and deposited with the clerk of said city, with suitable field notes and explanations thereof, to enable the same to be fully understood, which grades shall be strictly complied with (unless altered and modified as hereinafter provided), in the opening and grading of all streets, and in the erecting of all bridges, sluices, water-courses and drains, and in constructing all sidewalks, platforms, cross-walks and alleyways.

SECTION 2. Upon the application in writing of the resident owners of three-fourths of the lots upon any street, or upon that part of any street in which the grade is proposed to be changed, the common council shall have power to cause a new survey to be made, and to alter all such grade, or establish a new one in such street or part of street set out in such application, as the public good may seem to require. Change of grade.

SECTION 3. Any person not being a signer of such application who shall have sustained damage by such change of grade, shall have his right of action against the city for the recovery of the same: *provided*, that no suit shall be brought against the city for the recovery of such damages until application shall have been made to the common council, and said common council shall have refused or neglected for three months, to settle the same. The signing of such application shall be taken and construed as a release of all claims for damages of every such signer. Actions for damages for change of grade.

SECTION 4. Sidewalks shall be constructed upon the proper and established grade of any street in said city, of such width, in such manner, of such materials and in such time as the common council by the ordinance, resolution or order shall direct, by the owner or owners of any lot or piece of ground in front of which said sidewalk shall be ordered; if the owner or owners of any such lot or piece of ground shall not construct such sidewalk as aforesaid, the common council may cause the same to be constructed at the expense of such owner or owners. The contract for the construction of any such sidewalk shall be let to the lowest bidder, and notice shall be given by publication in the official paper of the city, for at least ten days, of the time, place and manner of receiving such bids. The common council shall levy a special tax upon each lot or piece of ground in front of which any sidewalk shall be constructed by contract, sufficient to pay the cost of constructing the same: *provided*, that no such contract shall be let until sixty days' notice shall have been given to such owner or owners, of the ordinance, resolution or order requiring the construction of such sidewalk, by the publication of the same in the official paper of said city. Construction of sidewalks.

SECTION 5. Whenever the street commissioner shall deem it necessary to repair any sidewalk, constructed by the authority of any ordinance of said city within its limits, when it is out of order, said commissioner shall direct the owner or occupant of the lot or piece of ground adjoining the said walk to repair the same at his own Repair of sidewalks.

proper cost and expense, in a reasonable time and manner, to be prescribed by said commissioner. If such walk is not done in the time and manner prescribed by the street commissioner, and to his satisfaction, the said commissioner shall cause the same to be properly done at the expense of the lots or pieces of ground adjoining said sidewalk and report the cost of said repairs to the common council. The common council of said city shall levy a special tax on each lot or piece of ground in front of which said sidewalk shall be so repaired by said commissioner, sufficient to pay the cost of repairing the same, and neither the said city nor any ward thereof, nor any officer within said city, shall be liable for any damage that may happen by reason of any defect in any sidewalk in said city, unless the street commissioner shall have first had actual notice of such defect, and reasonable time thereafter to repair the same.

TITLE VIII.

FINANCES AND TAXATION.

Funds — how controlled.

SECTION 1. All funds in the city treasury except school, state and county funds shall be under the control of the common council, and shall be drawn upon the order of the mayor, countersigned by the clerk, duly authorized by a vote of the common council, and in no other manner.

Orders — how drawn and payable.

SECTION 2. All orders drawn upon the treasury shall specify the purpose for which they are drawn, and shall be payable generally out of any funds in the treasury belonging to the city, and all such orders shall be received in payment of any debt or demand due to, or tax assessment levied by authority of the city, except taxes levied for school purposes.

City debt must be authorized by vote.

SECTION 3. No debt shall be contracted against the city or order drawn upon the city treasurer, unless the same shall be authorized by a majority of all the aldermen elect, and the vote authorizing the same shall be entered by ayes and noes upon the journal of the council, and no money shall be appropriated for any purpose whatever, except such as is expressly authorized by this act, and it shall not be allowed; neither shall it be legal in any manner whatever, nor at any time, to contract a debt against the city (over and aside from the current expenses of the city government) for any and all purposes, to exceed the sum of twenty-five thousand dollars, but no such debt shall be contracted except by a vote of two-thirds of the members elect.

SECTION 4. All forfeitures and penalties accruing to the city for a violation of this act, or of any of the ordinances, by-laws, rules and regulations of the city, and all money accruing for licenses, shall be paid into the city treasury and become a part of the general fund, except as otherwise provided by this act. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by a vote of two thirds of all the aldermen elect.

Fines to be paid into general fund.

Penalty—how remitted.

SECTION 5. All property, real or personal, within the city except such as may be exempt by the laws of this state, shall be subject to annual taxation for the support of the city government and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided. The assessors elected under this act shall have and possess the same powers that are or may hereafter be conferred upon township assessors, except so far as they may be altered by this act: *provided, however*, that the common council may prescribe the forms of assessment rolls, and more fully define the duties of assessors, and make such rules and regulations in relation to revising, altering or perfecting such rolls as they may, from time to time, deem advisable.

Subject to taxation.

SECTION 6. On or before the first day of June of each year, the assessors shall make out an accurate and complete assessment roll, which shall contain a description, as near as may be, of all lands, lots, or parcels of land within the city, sufficient to identify the same, and also of all persons or bodies politic, liable to pay taxes on personal property; and opposite to each lot or parcel of land, shall be affixed the value thereof, and opposite the name of each person or body politic shall be affixed the value of personal property assessed to each. When there are any buildings, or any lots or tracts of land, the value of the same shall be set forth separately when so desired by the owners thereof. The assessor may assess any lot or tract of land in such parcels or subdivisions as they may deem proper, but it shall be necessary to enter the name of the owner opposite to every tract, lot or parcel of land. The assessment roll shall be made out by wards, and show the taxable property, both real and personal, of each ward separately.

Assessment roll—when and how made.

SECTION 7. The mayor, city clerk, the city treasurer and the assessors of the several wards shall constitute a board of review; said board shall meet annually on the last Monday of June, at the common council

Board of review—duties and compensation.

proper cost and expense, in a reasonable time and manner, to be prescribed by said commissioner. If such walk is not done in the time and manner prescribed by the street commissioner, and to his satisfaction, the said commissioner shall cause the same to be properly done at the expense of the lots or pieces of ground adjoining said sidewalk and report the cost of said repairs to the common council. The common council of said city shall levy a special tax on each lot or piece of ground in front of which said sidewalk shall be so repaired by said commissioner, sufficient to pay the cost of repairing the same, and neither the said city nor any ward thereof, nor any officer within said city, shall be liable for any damage that may happen by reason of any defect in any sidewalk in said city, unless the street commissioner shall have first had actual notice of such defect, and reasonable time thereafter to repair the same.

TITLE VIII.

FINANCES AND TAXATION.

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Orders — how drawn and payable.

SECTION 2. All orders drawn upon the treasury shall specify the purpose for which they are drawn, and shall be payable generally out of any funds in the treasury belonging to the city, and all such orders shall be received in payment of any debt or demand due to, or tax assessment levied by authority of the city, except taxes levied for school purposes.

City debt must be authorized by vote.

SECTION 3. No debt shall be contracted against the city or order drawn upon the city treasurer, unless the same shall be authorized by a majority of all the aldermen elect, and the vote authorizing the same shall be entered by ayes and noes upon the journal of the council, and no money shall be appropriated for any purpose whatever, except such as is expressly authorized by this act, and it shall not be allowed; neither shall it be legal in any manner whatever, nor at any time, to contract a debt against the city (over and aside from the current expenses of the city government) for any and all purposes, to exceed the sum of twenty-five thousand dollars, but no such debt shall be contracted except by a vote of two-thirds of the members elect.

SECTION 4. All forfeitures and penalties accruing to the city for a violation of this act, or of any of the ordinances, by-laws, rules and regulations of the city, and all money accruing for licenses, shall be paid into the city treasury and become a part of the general fund, except as otherwise provided by this act. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by a vote of two thirds of all the aldermen elect.

Fines to be paid into general fund.

Penalty—how remitted.

SECTION 5. All property, real or personal, within the city except such as may be exempt by the laws of this state, shall be subject to annual taxation for the support of the city government and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided. The assessors elected under this act shall have and possess the same powers that are or may hereafter be conferred upon township assessors, except so far as they may be altered by this act: *provided, however*, that the common council may prescribe the forms of assessment rolls, and more fully define the duties of assessors, and make such rules and regulations in relation to revising, altering or perfecting such rolls as they may, from time to time, deem advisable.

Subject to taxation.

SECTION 6. On or before the first day of June of each year, the assessors shall make out an accurate and complete assessment roll, which shall contain a description, as near as may be, of all lands, lots, or parcels of land within the city, sufficient to identify the same, and also of all persons or bodies politic, liable to pay taxes on personal property; and opposite to each lot or parcel of land, shall be affixed the value thereof, and opposite the name of each person or body politic shall be affixed the value of personal property assessed to each. When there are any buildings, or any lots or tracts of land, the value of the same shall be set forth separately when so desired by the owners thereof. The assessor may assess any lot or tract of land in such parcels or subdivisions as they may deem proper, but it shall be necessary to enter the name of the owner opposite to every tract, lot or parcel of land. The assessment roll shall be made out by wards, and show the taxable property, both real and personal, of each ward separately.

Assessment roll—when and how made.

SECTION 7. The mayor, city clerk, the city treasurer and the assessors of the several wards shall constitute a board of review; said board shall meet annually on the last Monday of June, at the common council

Board of review—duties and compensation.

room; a majority shall constitute a quorum. Notice of the time and place of said meeting shall be posted up by the city clerk in at least one public place in each ward, and at least four days prior to such meeting. The city clerk shall be the clerk thereof, and shall keep an accurate record of all its proceedings. The board may adjourn from day to day until its business is completed. The mayor shall receive a compensation of twenty-five dollars for his services on the board of review. Said board of review so constituted shall have the same powers, and shall be subject to the same restrictions as town boards of review under the laws of the state.

Return of assessors—council may correct.

SECTION 8. Immediately after the final adjournment of the board of review in each year, the assessors shall return their assessment rolls to the common council by depositing the same with the city clerk. The common council may supply omissions in said rolls, and for the purpose of equalizing the same may alter, add to, take from and otherwise revise and correct the same, but shall not have the power to increase the amount of said roll, except by the value of such real or personal property as may have been omitted by the assessor.

Levy of taxes.

SECTION 9. On the first Tuesday of July in each year, or within ten days thereafter, the common council shall determine the amount of taxes to be levied for general city purposes, and also the amount necessary to be levied for school purposes, and shall by resolution levy the same, but no such resolution shall be adopted except by a vote of two-thirds of the members elect, which shall appear in the proceedings of the common council.

Taxes a lien till paid.

SECTION 10. All taxes or assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, and upon all personal property of any person or body politic assessed for personal taxes, from the date of the warrant for the collection thereof until such taxes shall be paid, and no sale or transfer of such real or personal property shall affect such lien. Any personal property belonging to the person taxed may be taken and sold for the payment of taxes upon personal property.

Transmission of assessment roll.

SECTION 11. Before the annual meeting of the board of supervisors of the county of Dodge, and by the time required by the laws of this state for the return of assessments from the several towns, the city

clerk shall transmit an abstract of the assessment roll to the county clerk of said county, who shall lay the same before the board of supervisors at their annual meeting.

City to be regarded as a town.

SECTION 12. The board of supervisors shall regard the city of Beaver Dam as a town in equalizing the assessment of the several towns in said county, as provided by law, but in such equalization shall consider the assessment roll of said city as an entire roll.

Not to assess separately by wards.

SECTION 13. The said board of supervisors may levy a tax or taxes, as now is or may hereafter be provided by law in relation to towns, but shall proceed therein without regard to the division of the city into wards, and shall cause the amount of taxes so levied to be certified to the city clerk, in the manner provided by law in relation to towns or town clerks, and in all transactions of the board of supervisors of said county, said city shall be regarded as a town.

City clerk to make out statement.

SECTION 14. Upon receiving the statement of the amount of taxes so levied, the city clerk shall make out upon the assessment roll, in columns left for that purpose, or upon a copy thereof, a complete statement of the several taxes levied for state, county, city or other purposes, and all delinquent taxes, if any, of previous years, and all special taxes levied by the common council, since the making out of the last annual tax roll, in such separate columns as may be necessary with the total footing carried out opposite each tract or lot of land or person named therein, which statement shall be called "the tax roll of the city of Beaver Dam," and shall be preserved by said clerk as a record in his office, and shall have the same legal force and effect as the records of the common council.

To be evidence.

SECTION 15. The tax roll made out and preserved as aforesaid shall be *prima facie* evidence in every court of record in this state, that every act or thing required by law to be done, relating to assessing or levying taxes, from the election of officers to the completion of the tax roll inclusive, has been done, regularly and correctly, as required by law.

Warrant for collection of taxes.

SECTION 16. Immediately after making out the tax roll as aforesaid, a warrant shall be appended thereto, signed by the mayor and clerk and sealed with the corporate seal of said city, directed to the treasurer requiring and commanding him to collect the taxes and assessments specified in said tax roll in the manner provided by law; and said clerk shall, on or before the 25th of November of the same year, or as soon there-

after as practicable, deliver the same to the city treasurer for collection, and charge the amount of the tax roll to the treasurer.

City treasurer to collect tax.

SECTION 17. The city treasurer, upon receipt of such tax roll, shall proceed to collect the same in like manner, and shall have like powers, and shall be subject to like requirements, liabilities and restrictions as a town treasurer, except as otherwise provided in this charter. The city treasurer shall collect one per cent. fees upon all taxes paid before the first day of January, and three per cent. on all taxes collected after that time, to be added to the amount of taxes and collected with the same, and such fees shall be held by him as the money of the city and paid out and used as other moneys of the city in the hands of said treasurer.

List of delinquent lands.

SECTION 18. On or before the fifteenth day of February of each year, the said treasurer shall make out and file in his office a list of all lands and lots upon which the taxes have not been paid.

Subject to special taxation.

SECTION 19. All real estate exempt from taxation by the laws of this state, within said city, shall be subject to special taxes for the building of sidewalks, the repairing thereof, and improvements of streets in front of the same.

Proceedings for for sale of delinquent lands.

SECTION 20. In all cases of non-payment of taxes upon lots or real estate in said city, in the manner now required by law, it shall be the duty of the treasurer of said city to proceed, in accordance with the provisions of existing laws relating to the sale of lands for delinquent taxes in the several counties of this state, to advertise and sell, on the second Tuesday in April in each year, all delinquent lots and lands within the limits of said city, in the same manner as other lands are sold in said county of Dodge, and the said sale shall in all cases, be made for the smallest undivided portion of said lot or tract of land for which any person will take the same and pay the taxes and charges thereon. On receiving the amount of such taxes and charges, the treasurer shall issue to the purchaser, his or her assigns or heirs, a certificate containing the name of the purchaser, and a description of the premises sold, the amount paid therefor, the rate of interest the same may bear, and the time when the right to redeem the same will expire. Said treasurer shall immediately after the close of any such sale of lots or lands for taxes, deposit in the office of the clerk of said city, all affidavits, notices and papers in relation to such tax sale, to be filed in the office of said clerk, al-

so a statement containing a particular description of each lot or parcel of land so sold by him, specifying the name of the person to whom sold, the amount for which the same was sold, and the name of the owner or owners, if known; and the said treasurer and clerk shall record such statement in a book kept for that purpose by each of them in their respective offices, and all sales so made and the certificates so issued by the treasurer of said city, shall have the same validity and effect as if made by the county treasurer of said county.

City may become purchaser

SECTION 21. If at any sale of real or personal estate for taxes or assessments, no bid shall be made for any parcel of land or lot, or any goods and chattels, the same shall be struck off to said city, and thereupon the city shall receive in its corporate name, a certificate of the sale thereof, and shall be vested with the same rights as other purchasers are. If the city shall become the purchaser of any personal property by virtue of this chapter, the treasurer shall have power to sell the same at public sale; and in case the city shall become the purchaser of any real estate at any tax sale, the treasurer is hereby authorized to sell the certificates issued therefor, for the amount and interest, and to endorse and transfer such certificates to the purchaser.

If purchaser neglect to pay for lot treasurer may sell it again.

SECTION 22. In case any purchaser at such tax sale shall neglect or refuse to pay the amount for which any lot or parcel of land was sold at such time as the treasurer shall designate, he shall on the day following, offer said lot or parcel of land again for sale.

Redemption within three years.

SECTION 23. Any lot or part of lot or parcel of land so sold, or any portion thereof, may be redeemed within three years from the day of sale, and at any time before the deed is executed, by the owner or any person interested therein, paying to the city treasurer the amount for which the same was sold, together with interest at the rate of twenty-five per cent. per annum, and legal charges thereon. And said treasurer shall deliver to the person making the same, duplicate receipts for such payments, signed by him, specifying therein the parcel or parcels of land on which such taxes were paid, the amount paid on each parcel, the time of payment, and the name of the person paying the same; and the treasurer shall also enter on the list kept by him, opposite the parcel or parcels of land on which such taxes shall be paid, the name of the person paying such tax, the sum paid therefor, and the time when paid. The person to whom such duplicate receipts are given shall present them to the city clerk,

and thereupon said clerk shall countersign one of the said receipts and return it to the person entitled thereto, and retain the other and safely keep the same in his office. The said clerk shall also make the same entries on the list of lands kept by him, as are required to be made by the treasurer. No receipt signed by the treasurer for the payment of such taxes as specified in this section, shall be any evidence of the payment of such taxes in the hands of any person except the city clerk, unless the same shall first be countersigned by such clerk.

Execution of tax deeds.

SECTION 24. Any lot or parcel of land sold in pursuance of the porvisions of this act, or any part thereof which shall not be redeemed within the time limited by this act, the city clerk shall, after the expiration of the time hereby prescribed for the redemption thereof, and on the presentation to him of the treasurer's certificate of sale, execute in the name of the city, as such clerk, under his hand and the seal of the city, to the purchaser, his heirs or assigns, a deed of the land so sold and unredeemed as aforesaid, and shall acknowledge the same: *provided*, the general law in regard to the filing of affidavits of service of notice to owner or occupant or of non-occupancy, has been complied with. An abstract of all deeds so made and delivered shall be entered by the clerk in the book where tax sales are recorded. A fee of one dollar may be charged by the clerk for every deed so issued, which deed shall vest in the grantee an absolute estate in fee simple in such land, subject however, to all unpaid taxes and charges which are a lien thereon, and such deed, duly witnessed and acknowledged, shall be *prima facie* evidence in all controversies and actions in relation to the right of the purchaser, his or her heirs or assigns, to the premises thereby conveyed, and the city clerk shall annually, within the last six months prior to the expiration of the time limited for redeeming lands sold for taxes, cause to be published in some newspaper printed in said city once a week for twelve successive weeks, a list of all unredeemed lands, specifying each tract or lot so sold, the name of the person to whom assessed, if any, and the amount of taxes, charges and interest calculated to the last day of redemption, due on each parcel, tract or lot of land, together with a notice that, unless such lands be redeemed on or before the day limited therefor, naming the same, they will be conveyed to the purchaser and holder of the certificate of sale. The fees for said publication shall be the same as now allowed

by law for publishing lands sold by county treasurers, and the same shall be charged against the lots or lands so advertised and sold for taxes.

Trials for recovery of title.

SECTION 25. In all controversies and suits, involving the title to land claimed and held under and by virtue of such deed, the person or persons claiming title adverse to the title conveyed by such deed, shall be required to prove, in order to defeat the said title, either that the land was not subject to taxation or assessment at the date of the assessment of said tax or making said assessment, that the taxes or assessment had been paid, that the land had never been assessed for taxation or assessment, or that the same had been redeemed according to the provisions contained herein, and that such redemption was made for the use and benefit of the persons having the right of redemption under the laws of this state. But no person shall be permitted to question the title acquired by the said deed without first showing that he, she or they, or the person under whom he, she or they claim title, had title to the land at the time of the sale, and that all the taxes and assessments due upon the lands have been paid by such person or persons under whom he, she or they claim title as aforesaid.

Fees of assurer.

SECTION 26. The treasurer of said city shall charge for such services the same fees as are now allowed and paid to the county treasurers for the same or similar services, such fees to accrue to the benefit of the general city fund; and it is hereby declared to be the meaning and intent herein to confer all the powers and duties of the treasurer of the county of Dodge, as far as relates to the collection of delinquent personal property taxes, and to the selling of lots and lands for taxes within the city of Beaver Dam, upon the treasurer of said city.

Deemed only directory.

SECTION 27. All the directions hereby given except in section nine of this title, for the assessing of lands, and the assessing and the levying, collection and returns of taxes and assessments, shall be deemed only directory, and no error or informality in the proceedings of the officers entrusted with the same, not affecting the substantial justice of the tax itself shall vitiate or in anywise affect the validity of the tax or assessment.

TITLE IX.

PUBLIC SCHOOLS.

Districts consolidated.

SECTION 1. The school districts and parts of districts within the corporate limits of the city of Beaver Dam shall constitute one district for the better regulation and management of the public schools of said city.

Board of education.

SECTION 2. The commissioners of common schools in said city, together with the superintendent of schools, shall constitute a board, to be styled, "the board of education of the city of Beaver Dam," which shall be a corporate body in relation to all the powers and duties conferred on them by virtue of this act. The superintendent of schools shall be chairman of said board, and whenever he shall be absent, a president pro tempore may be appointed, but such president shall have only a casting vote. A majority of the board shall form a quorum. They shall elect a clerk and fix his compensation, and he shall hold his office during the pleasure of the board. The said commissioners shall receive no compensation for their services.

Duties of clerk of said board.

SECTION 3. The clerk of said board shall keep a record of the proceedings thereof, and perform such other duties as the board may prescribe, which record, or a transcript thereof, certified by the superintendent and clerk, shall be received in all courts as prima facie evidence of the facts therein set forth, and such records and all the books and accounts of said board shall at all times be subject to the inspection of the city council and of any committee thereof.

Council shall levy special tax

SECTION 4. The common council of the said city shall have the power, and it shall be their duty to raise from time to time, by a tax upon the real and personal estate in said city, which shall be liable to taxation, in addition to the amount of school moneys now or hereafter appropriated or provided by law for common schools in said city, such sums as the said council shall deem necessary or proper for any or all of the following purposes, estimates therefor having been previously submitted to the said council by the board of education for the information of the council; and it is hereby made the duty of the board of education of the city of Beaver Dam, to submit said estimates to the common council on or before the first Tuesday of July in each year:

School house sites.

I. To purchase, lease or improve sites for school houses.

II. To build, purchase, lease, enlarge, alter, improve and repair school houses, and their outhouses and appurtenances. School houses.

III. To purchase, exchange, improve and repair school apparatus, books, furniture and appendages; but the power herein granted shall be denied to the furnishing of class or text books for any scholar whose parents or guardian shall be able to furnish the same. Apparatus and furniture.

IV. To procure fuel and defray the contingent expenses of the district library of said city. Contingent expenses of library.

V. To pay the wages of teachers due after the application of the public moneys, which may by law be appropriated and provided for that purpose: *provided, nevertheless*, that no tax shall be laid for such purposes oftener than once in each year: *and provided, also*, that the amount to be raised for teachers' wages, and for contingent expenses in any one year, shall in no case exceed four dollars for each person that draws public money, nor less than two dollars, that the amount to be raised in any one year, for repairing school houses and the appurtenances, shall not exceed fifteen hundred dollars, and for buying sites and erecting new school houses, shall not exceed three thousand dollars. Payment of teachers' wages in certain cases

SECTION 5. The common council shall cause the tax or taxes herein provided for to be levied and collected annually on all such real and personal property or capital of any kind within said city, as is subject to taxation by the laws for levying taxes for the state, for the time being; said taxes to be levied and collected in the same manner as annual taxes are levied and collected in said city. Tax to be levied and collected same as annual taxes.

SECTION 6. All moneys to be raised pursuant to the provisions of this act, and all school moneys by law appropriated to or provided for said city, shall be paid to the treasurer of said city, who, together with the sureties of his official bond, shall be accountable therefor, in the same manner as for other moneys of said city. The said treasurer shall also be liable to the same penalties for any official misconduct as in relation to the other moneys of said city. Taxes levied under this title to be paid to city treasurer.

SECTION 7. The treasurer of said city shall not pay out any moneys in his hands, received by said city either as school moneys, or collected or received by virtue of any of the provisions of this act, excepting upon an order drawn upon him and signed by the superintendent and clerk of said board of education, and no such order shall be drawn except by virtue of a resolution of the said board. No money to be paid out except upon order.

Prosecution for default.

SECTION 8. The said board may cause a suit or suits to be prosecuted in the name of the city of Beaver Dam upon the official bond of the treasurer or of any collector of said city, for any default, delinquency or official misconduct in relation to the collection, safe keeping or payment of any moneys in this section mentioned.

Exempt from provisions of certain act.

SECTION 9. The city of Beaver Dam is hereby exempt from the provisions of an act entitled "An act to create the office of county superintendent of schools," approved April 6, 1861, except in the matter of making reports to the state superintendent of schools.

Powers of the board.

SECTION 10. The said board shall have power, and it shall be its duty:

POWERS AND DUTIES OF BOARD.

Establish schools.

1st. To establish and organize such and so many schools in the several wards of the city (including the common schools now existing therein), as they shall deem requisite and expedient, and to alter and discontinue the same.

Purchase or hire school houses.

2d. To purchase or hire school houses and rooms, and lots and sites for school houses, and to fence and improve them as they may deem proper: *provided*, the amount necessary has been appropriated by the common council of said city.

To improve, repair, etc.

3d. Upon such lots, and upon any sites now owned by said city, to build, enlarge, alter, improve and repair school houses as they may deem advisable.

School apparatus.

4th. To purchase, exchange, improve and repair school apparatus, books for indigent pupils, furniture and appendages, and to provide fuel for the schools, and defray their contingent expenses and the expenses of the district library.

Custody of school property

5th. To have the custody and safe keeping of the school houses, out houses, books, furniture and appendages, and to see that the ordinances of the city council in relation thereto are observed.

Employ teachers.

6th. To contract with and employ all teachers in the common schools, and the high school, who shall have been licensed by the superintendent, and at their pleasure to remove them.

Pay wages.

7th. To pay the wages of such teachers out of the school moneys which shall be appropriated to said city, so far as the same shall be sufficient, and the residue thereof from the money authorized to be raised for that purpose by section four of this title, by tax upon the city.

8th. To defray the necessary contingent expenses of the board, including the salary of the clerk. **Defray expenses.**

9th. To have in all respects the superintendence, supervision and management of the common schools in said city, and from time to time to adopt, alter, modify and repeal, as they may deem expedient, rules and regulations for their organization, government and instruction, for the reception of pupils and their transfer from one school to another, and generally for their good order, prosperity and public utility. **Superintend schools.**

10th. Whenever in the opinion of the board, it may be deemed advisable to sell any of the school houses, lots or sites, or any of the school property now or hereafter belonging to the city, to report the same to the common council. **Sell school property.**

11th. To prepare and report to the common council such ordinances and regulations as may be necessary or proper for the protection, safe-keeping, care and preservation of school houses, lots and sites, and appurtenances, and all other property belonging to the city, connected with or appertaining to the schools, and to suggest proper penalties for the violation of such ordinances and regulations; and annually to determine and certify to said city council the sums in their opinion necessary or proper to be raised under the ninth section of this chapter, specifying the sums required for each of the purposes therein mentioned, and the reason therefor. **Prepare ordinances.**

12th. The board of education shall adopt for the use of the several public schools in the city, suitable text-books which shall be uniform, and when the board shall have adopted for use in the public schools of this city any text-book or text-books, the same shall not be changed by the board or by any teacher or other person for five years thereafter, and the said board shall adopt and at its discretion, modify or repeal by-laws, rules and regulations for their government, and for the organization, discipline and management of the public schools of said city, and generally adopt all such measures as shall promote the good order and public utility of said schools: *provided*, that such by-laws, rules and regulations shall not conflict with the constitution and laws of this state. **Adopt text books.**

SECTION 11. The said board of education shall have power to allow the children of persons not residents within the city to attend any of the schools of said city under the care and control of said board, and upon such terms as the board shall by resolution prescribe. **Non-resident children may attend.**

Shall reference to money on hand.

SECTION 12. It shall be the duty of said board in all their expenditures and contracts to have reference to the amount of money that shall be subject to their order during the then current year, for the particular expenditure in question and not to exceed such amount.

Shall be trustees of libraries.

SECTION 13. The said board of education shall be the trustees of the district library in said city and all the provisions of law which now are or may hereafter be passed, relating to district school libraries, shall apply to the said board in the same manner as if they were trustees of an ordinary school district; they shall also be vested with the discretion as to the disposition of the moneys appropriated by any law of the state, for the purchase of libraries, which is therein conferred upon the inhabitants of school districts. It shall be their duty to provide a library room and the necessary furniture therefor, and appoint a librarian; to make all purchases of books for the said library, and from time to time to exchange or cause to be repaired, the damaged books belonging thereto.

Annual financial report.

SECTION 14. It shall be the duty of the said board, annually, on or before the first Monday in May in each year, to prepare and report to the common council, true and correct statements of the receipts and disbursements of moneys under and in pursuance of the provisions of this act during the preceding year, in which account shall be stated, under appropriate heads:

1st. The moneys received by the common council under the fourth section of this title.

2d. The school moneys received by the treasurer of the city from the county treasurer.

3d. Moneys received by direct tax.

4th. All other moneys received by the treasurer subject to the order of the boards, specifying the sources.

5th. The manner in which such sums of money shall have been expended, specifying the amount paid under each head of expenditures; and the common council shall forthwith cause the same to be published in at least one of the newspapers published in said city,

Subject to state supt.

SECTION 15. The said board shall be subject, from time to time, to the rules and regulations made by the state superintendent of common schools, so far as the same may be applicable to them, and not inconsistent with the provisions of this act.

School ordinances.

SECTION 16. The common council of the said city shall have power, and it shall be their duty, to pass such ordinances and regulations as the board of educa-

tion may report as necessary and proper for the protection, safe keeping, care and preservation of the school houses, lots, sites and appurtenances, and all necessary property belonging to or connected with the schools in said city, and to impose proper penalties for the violation thereof, subject to the restrictions and limitations contained in this act; and all such penalties shall be collected in the same manner that the penalties for a violation of the city ordinances are by law collected, and when collected shall be paid to the treasurer of the city, and be subject to the order of the board of education in the same manner as other moneys raised pursuant to the provisions of this act.

May sell school property.

SECTION 17. Whenever the said board shall report to the common council that it is advisable to sell any of the school houses, lots or sites or any of the school property now or hereafter belonging to the city, the common council may sell the same upon such terms as they may deem advisable. The proceeds of all such sales shall be paid to the city treasurer, and shall be subject to the order of said board, to be expended by them in purchase, leasing, repairs or improvements of other school houses, lots, school furniture, apparatus or appurtances.

Title to school property.

SECTION 18. The title to the school houses, sites, lots, furniture, books, apparatus and appurtenances, and all other property in this act mentioned, shall be vested in the city of Beaver Dam, and the same, while used or appropriated for school purposes, shall not be levied upon or sold by virtue of any warrant or execution, nor be subject to taxation for any purpose whatever, and the said city, in its corporate capacity, shall be able to take, hold and dispose of any real or personal estate transferred to it by gift, bequest or devise, for the use of the common schools of the said city, whether the same shall be transferred in terms to said city by its proper style or by any other designation, or to any person or persons or body for the use of said schools.

School fund—how kept and disbursed.

SECTION 19. All moneys authorized to be raised by virtue of this act, for school purposes, on being raised as therein provided, shall be held by the treasurer of said city, and by him placed to the credit of said board of education, and shall be drawn out in pursuance of a resolution or resolutions of said board, by draft drawn by the superintendent and countersigned by the clerk of said board, payable to the person or persons entitled to receive such moneys, and

the said treasurer shall keep the funds authorized by this act to be received by him, separate and distinct from any other fund that he is or may by law be authorized to receive.

Teachers not eligible.

SECTION 20. No person in the city of Beaver Dam engaged in teaching any of the public schools of said city shall be eligible to the office of commissioner of common schools in any of the several wards of said city, and no member of the board of education shall be employed to teach any of the schools of said city.

Shall not be party to contract.

SECTION 21. No member of the board of education shall have any interest, direct or indirect, in any contract made by said board, and every contract so made in which any member of said board shall have such interest, shall be absolutely void.

TITLE X.

FIRE DEPARTMENT.

Fire limits.

SECTION 1. The common council, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings, or buildings of other materials that shall not be considered fire-proof, shall not be erected or repaired, and to direct that all and every building within the limits prescribed shall be made and constructed of fire-proof materials and to prohibit the repairing of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damages.

Construction of chimneys, etc.

SECTION 2. The common council shall have power to regulate the building, construction and condition of chimneys, fire-places, hearths, stoves, stove pipes, ovens, boilers and apparatus used in or about any building, and to cause the same to be removed or placed in a safe and secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire buckets, and in such manner and times as they shall prescribe, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of any manufactories dangerous in causing or promoting fires; to compel the owners or occupants of buildings to have scuttles in the roofs, and stairs or ladders reaching to the same; to authorize the mayor, aldermen, fire wardens and other officers of the city to keep away from the vicinity of a fire, all idle and suspected persons, and to

compel bystanders to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient.

Fire engines, and fire companies.

SECTION 3. The common council shall have power to purchase fire engines and other fire apparatus, and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded, and their meetings to be prohibited, and their apparatus to be delivered up. Each company shall not exceed seventy able bodied men, between the ages of fifteen and fifty years, and may elect its own officers, and form its own laws, not inconsistent with the laws of this state or the ordinances and regulations of said city, and shall be formed only by voluntary enlistment. Every member, of each company hereby authorized to be formed, shall be exempt from serving on juries, and from military duty, during the continuance of such membership.

Election of officers.

SECTION 4. There shall be a meeting of the members of said companies on the first Friday of January in each year, at such place as may be designated by the mayor, when they may elect and recommend to the common council for confirmation, one chief engineer, three assistant engineers, and one steward, which latter shall be a salaried officer; and the common council may thereupon confirm such elections, and the persons so elected and confirmed shall perform such duties as the common council shall prescribe. The chief engineer of the fire department shall, annually, on or before the first Friday of January in each year, prepare and file in the city clerk's office, a complete list of all members in good standing belonging to the fire department.

Fire wardens.

SECTION 5. At the same time, as specified in the preceding section, the members of said companies shall elect, and the common council may confirm, four fire wardens, one of whom shall reside in each ward, and who shall perform such duties as the common council shall prescribe; and they may at any time enter into or upon any house, storehouse, or other building or inclosure, for the purpose of inspecting the same, and with a view to guard against fire.

Arrest for disobedience of orders.

SECTION 6. Whenever any person shall refuse to obey any lawful order of the engineer, fire warden, mayor or alderman, at any fire, it shall be lawful for the officer giving such order to arrest, or to direct orally

the marshal, constable, watchman or any citizen, to arrest such person, and to confine him temporarily in any safe place until such fire shall be extinguished; and in the same manner such officers, or any of them, may arrest or direct the arrest and confinement of any person, at such fire, who shall be intoxicated or disorderly; and any person who shall refuse to obey any such lawful order, or who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council may prescribe, not exceeding fifteen dollars.

Sack company.

SECTION 7. The common council shall have power to organize a sack company, No. 1, to consist of not more than twenty members. Such company shall constitute a part of the fire department, and shall be subject to the control of the chief engineer. The members of said company, either collectively or individually, are hereby authorized and empowered to act as a special police in and for the city of Beaver Dam, and are hereby vested with all power and authority which is or may hereafter be vested in any police officer of said city, and shall be entitled to all the rights and immunities of members of the fire department. At fires they shall take charge of property which may be exposed or endangered, and shall so far as may be in their power, preserve the same from injury or destruction. Said company may from time to time adopt such by-laws and regulations as they may deem necessary, not inconsistent with this act and the laws of the state. The members of this company shall not be entitled to any pay or compensation for services rendered in their official capacity. They shall, in case of riot or disturbance of the peace, have free access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same. The members of said company shall severally take an oath or affirmation that they will faithfully discharge the duties of their said office, and when any member of said company shall cease to be a member thereof, by resignation, expulsion or otherwise, notice shall be given to the city clerk, who shall preserve a record of all the members of said company.

Guarding against fire.

SECTION 8. The common council of the city of Beaver Dam shall have power for the purpose of guarding against the calamities of fire to prescribe and limit the height and size of wooden buildings to be hereafter erected or moved upon any lot or piece of ground within any specified limits in said city, and to prescribe

and limit the time within which any wooden building or buildings, other than fire-proof, hereafter erected upon or moved upon any lot or piece of ground within specified limits, shall remain thereon and to compel the owner or owners of such building so required to be removed, to remove the same; and if the said owner or owners shall neglect or refuse to remove the same for thirty days after being so required to do, by order of the common council made and served upon the owner, his agent, or the occupant of said building, to cause the building to be removed from such lot at the expense of the owner or owners of such building, and to prescribe the mode and manner of compelling said owner or owners to pay the expense of said removal, and shall have power to cause such building to be sold to pay the expense of such removal and the costs of such sale.

TITLE XI.

MISCELLANEOUS PROCEEDINGS.

Work to be let by contract.

SECTION 1. All work for the city or either ward thereof shall be let by contract to the lowest responsible bidder, unless otherwise ordered by the common council, and due notice shall be given of the time and place of letting such contract.

Actions for recovery of penalties.

SECTION 2. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt, for such penalty or forfeiture, stating the clause of this act, or by-law or ordinance under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it. All prosecutions may be commenced by summons or by warrant as the exigencies of the case seem to require: *provided*, that nothing contained herein shall be construed as to prevent any peace officer from arresting without process, any person found in a state of intoxication, or guilty of immoderate drinking, improper reveling, obscenity or noisy, boisterous, or disorderly conduct in the streets or public places, and taking such person or persons forthwith before any justice, or keeping them in confinement, until such time as said justice can reasonably hear and dispose of said offender.

Imprisonment on execution.

SECTION 3. Execution shall issue forthwith on the rendition of judgment, unless the same be staid or appealed according to the laws of this state. The execu-

tion, except in cases *ex contractu*, shall require the defendant in any such action, in case no goods or chattels, lands or tenements, whereof the judgment can be found, to be imprisoned in the jail of Dodge county, for a term not exceeding three months, in the discretion of the justice or judge rendering judgment, unless the same be sooner paid or discharged by the common council.

Not incompetent.

SECTION 4. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

Failure of election not to affect corporation

SECTION 5. If any election by the people or common council shall, for any cause, not be held at the time or in the manner herein prescribed, or if the council shall fail to organize as herein provided, it shall not be considered reason for arresting, suspending or absolving said corporation, but such election or organization may be had on any subsequent day, by order of the common council, and if any of the duties enjoined by this act, or the ordinances or by-laws of the city, to be done by any officer at any specified time, are not then done or performed, the common council shall appoint another time at which the said acts may be done and performed.

No execution to issue against city.

SECTION 6. When judgment shall be recovered against the city or against any city officer, in any action prosecuted by or against him in his name of office, when the same should be paid by the city, no execution shall be awarded or issue upon such judgment; but the same, unless reversed, shall be levied and collected as other city taxes are levied and collected, and when so collected shall be paid by the city treasurer to the person to whom it shall be adjudged, upon the delivery of a proper voucher. All property, real and personal, now or at any time hereafter belonging to said city, or to either of the wards thereof, shall be exempt from levy and sale under or by virtue of any execution: *provided*, that any such property, real or personal, shall be subject to levy and sale by virtue of any execution issued on a judgment for the purchase money thereof. Nor shall any real or personal property of any inhabitant of said city, or of any individual or corporation, be levied on and sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said city.

Service of proof—how made.

SECTION 7. Whenever any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process with the

mayor; and it shall be the duty of the mayor forthwith to inform the common council thereof, or take such other proceedings as the ordinances or resolutions of said council may provide.

SECTION 8. Said city may lease, purchase or hold real or personal property sufficient for the convenience of the inhabitants thereof, may sell and convey the same, and the same shall be free from taxation. **May hold and convey property.**

SECTION 9. No general law contravening the provisions of this act shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law. **Not to be repealed.**

SECTION 10. The citizens of the town of Beaver Dam shall have the privilege to hold all town meetings and all general and special elections at such place in the city of Beaver Dam as they may determine, and the officers of said town of Beaver Dam may transact all town business in said city and with the like effect as if held or done in the town of Beaver Dam. **Town meeting.**

SECTION 11. The city of Beaver Dam shall be represented in the board of supervisors of the county of Dodge, by one supervisor from each ward; and the senior alderman in office shall be the supervisor from his ward; the alderman acting as supervisor shall have power to substitute any other elector in his ward to act in his stead — said substitute to be approved and confirmed by the common council. **To be represented in board of supervisors.**

SECTION 12. No compensation or salary shall be paid out of the city treasury to the mayor or any alderman of said city for his service as such mayor or alderman, except for extraordinary services, such as inspectors of election or registry. **No compensation.**

SECTION 13. The paupers of said city shall be removed to the poor house of the county of Dodge, by the mayor or aldermen, in like manner as they are removed from the several towns in said county. **Paupers.**

SECTION 14. Every license issued by the authority of this act, or the ordinances of the city, shall be signed by the city clerk, and sealed by the corporate seal, but no such license shall be issued by said clerk, until the person applying for the same shall have deposited with the clerk the receipt of the city treasurer for the amount required to be paid therefor; nor shall any license be issued for dealing in, selling or vending spirituous, vinous or malt liquors, until the same shall have been authorized by the common council, and the applicant shall have filed his receipt as aforesaid, together with a bond as required by the laws of this state, which **Licenses—how executed.**

shall be approved either by the mayor or common council, and the minimum sum fixed by the laws of this state, to be paid for any such license, shall be appropriated as the common council shall direct. Every such license shall contain a clause prohibiting the selling, vending or giving away of any spirituous, vinous or malt liquors on general or special election days, and all such licenses shall expire on the first day of July next following the date of their issue.

Prosecutions for violating license.

SECTION 15. Every person having such license who shall vend, sell or give away any spirituous, vinous or malt liquors on any election day, shall be liable to prosecution under this act, or the ordinance of the city, or may be indicted in the circuit court of Dodge county, and upon conviction thereof, every such offender shall forfeit and pay a sum not exceeding two hundred dollars, nor less than fifty dollars, or be imprisoned in the jail of Dodge county, not more than thirty days, nor less than ten days, at the discretion of the court, and the license held by such person shall be forfeited and void.

Suits to recover title—how prosecuted.

SECTION 16. No suit or proceeding shall be commenced or prosecuted to recover title or possession of any lot, piece or parcel of land situated within the limits of the city, held or claimed by virtue of any deed purporting upon its face to be executed on account of any sale for taxes or assessments levied after the passage of this act, until the person commencing the suit or proceeding shall have deposited with the court in which such proceeding is or shall be commenced, for the use of the holder or claimant under such deed, an amount of money equal to the amount of taxes, costs and charges paid in procuring such deed, and all subsequent taxes, costs and charges upon the lot or lands described in such deed and paid by such holder or claimant under such deed, except in cases when the taxes are paid before sale, or the lands redeemed according to law. In the trial of every such cause on the part of the defendant, such deed shall be first read in evidence to the jury, and shall be evidence in such suit or proceeding, to the extent specified and provided in section one hundred and nine chapter fifteen, title five of the revised statutes.

Use of county jail granted.

SECTION 17. The use of the jail of Dodge county, until otherwise provided, shall be granted to said city for the confinement of offenders, and every such offender shall be delivered to the sheriff of said county, for whose custody, safe-keeping and delivery the said she

iff shall be responsible, as in other cases, but said county shall not incur or pay any liability or expense on account of any person committed to said jail for a violation of any ordinance, by-law, rule or regulation of said city, but such expense shall be paid by the city.

Removals.

SECTION 18. All officers of the city (except justices of the peace) may be removed from office for official misconduct by the common council by a vote of two-thirds of the members thereof, but said officer or officers shall be granted a full and fair hearing before removal.

To be declared opened.

SECTION 19. Any street, alley, public square or grounds, which have been regularly platted and recorded but have been closed and used for agricultural purposes or otherwise, may by resolution of the common council be declared as opened for travel and passage, and shall be opened for such purposes immediately after the passage of such resolution: *provided*, that no such resolution shall be put into effect between the twentieth of March and twentieth of November in any one year.

Registry laws not to apply.

SECTION 20. No general law of this state, requiring the registry of electors, shall apply to or have any force or effect in the city of Beaver Dam.

When not liable for damages.

SECTION 21. Whenever any injury shall happen to persons or property in the said city of Beaver Dam by any reason of any defect or incumbrance of any street, sidewalk, alley, or public ground, or from any other cause, for which the said city would be liable; and such defect, incumbrance or other cause of such injury shall arise from or be produced by the wrong, default or negligence of any person or corporation, such person or corporation so guilty of such wrong, default or negligence, shall be primarily liable for all damages for such injury; and the said city shall not be liable therefor until after all legal remedies shall have been exhausted to collect such damages from such person or corporation.

Contractors liable.

SECTION 22. The city of Beaver Dam shall not be held liable for damages or injuries to persons or property incurred or happening at any place in the said city where work of any kind or nature is being done in or on streets or sidewalks by contractors, under contracts with the city, in consequence of the condition of such streets or sidewalks arising from the doing of such work. But if the contractors doing such work shall fail to keep up sufficient fences or protection guards to prevent damage or injury to persons or property, or shall be guilty of other negligence in doing such work,

and if injury to persons or property occur by reason of such default of such contractors, such contractors shall be liable in an action by the person so injured.

Repealed.

SECTION 23. An act entitled "An act to incorporate the city of Beaver Dam," approved March 18, 1856, and the several acts amendatory thereof, and an act entitled "An act to consolidate and amend the act to incorporate the city of Beaver Dam and the several acts amendatory thereof," approved March 8, 1871, and the several acts amendatory thereof, are hereby repealed, but the repeal of said acts and part of acts, shall not in any manner affect, injure or invalidate any contracts, acts, suits, or proceedings, claims or demands, that may have been entered into, performed, commenced, or that may exist under or by virtue or in pursuance of the said acts, or any of them; but the same shall be enforced and carried out as fully and effectually, to all intents and purposes, as if this act had not been passed; and all ordinances, resolutions, regulations, rules, by-laws and orders of the common council, or parts thereof, not repealed, suspended or made void by this act shall continue and remain of the same force and effect as if this act had not been passed, until altered, amended, repealed or suspended by the common council in pursuance of this act.

Construction of act.

SECTION 24. This act shall be considered a public act, and shall be construed favorably in all courts and places, and shall take effect from and after its passage and publication.

Approved March 9, 1878.

[No. 80, A.] [Published March 12, 1878.]

CHAPTER 113.

AN ACT to amend chapter 249, laws of Wisconsin, for 1878, entitled "An act authorizing the improvement of certain portions of the Embarrass river."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Name of corporators; powers, etc.

SECTION 1. A. S. Trow, Cyrus H. Ware and G. W. Washburn, or a majority of them, their heirs or assigns, are hereby authorized and empowered to make all such improvements on the Embarrass river, and to do all such acts and things as are authorized by chap-

ter two hundred and forty-nine of the laws of Wisconsin for 1876, entitled "an act authorizing the improvement of certain portions of the Embarrass river." And the said parties, their heirs or assigns, shall be entitled to charge and collect the tolls authorized by said act, when such improvement is completed as far up said stream as section three (3), township twenty-seven (27), north of range eleven (11), east. And for the enforcement of the collection of such tolls, they shall be entitled to such rights, powers, privileges and remedies as are provided by the laws of this state and by the provisions of said act.

Authority to make improvements conditional; toll, etc

SECTION 2. The parties above named, their heirs or assigns, may by arrangement with and the consent of the Embarrass River Improvement Company, a corporation organized under chapter seventy-six of the private and local laws of 1869, improve said Embarrass river below the range line between township twenty-seven (27), ranges twelve (12) and thirteen (13) east, and keep the same in good repair and in a proper and suitable condition for driving logs as provided by said act, and they shall with the consent of said company, be entitled to receive and collect the tolls as provided and mentioned in section five of said chapter seventy-six, and to all the remedies for the collection of such tolls, and the protection and enforcement of their rights, as is provided by said chapter seventy-six.

May drive others logs and collect pay therefor.

SECTION 3. It shall be lawful for said parties, when said improvements shall be made as herein provided, their successors or assigns, to take possession of all logs put into said stream to be floated down the same, in any case where the owner of such logs shall not have made adequate provision for driving the same by furnishing all necessary tools, men, teams, equipments and supplies for breaking roll-ways at the proper time, and making a thorough and speedy drive, without hindrance or delay to other parties using said stream for the same purpose, and to drive said logs down and out of said stream, and for such services, expenses and outlays, shall be entitled to charge and receive the actual costs incurred therefor, and they shall be entitled, for the collection of such expenses, to all the remedies provided by the act to which this is amendatory.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1878.

[No. 114, A.] [Published March 12, 1878.]

CHAPTER 114.

AN ACT to authorize the commissioners of school and university lands to loan a portion of the trust funds of the state to the town of Necedah, Juneau county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authority of commissioners to loan money.

SECTION 1. The commissioners of school and university lands are hereby authorized to loan a portion of the trust funds of the state, not to exceed fourteen thousand five hundred dollars to the town of Necedah, county of Juneau, in this state, and the said town is hereby authorized to borrow a sum not exceeding the amount above named, of the said commissioners, and to issue to said commissioners certificates of the indebtedness so contracted. Said indebtedness shall bear interest at the rate of seven per cent. per annum, and the said interest shall be paid annually, together with not less than one-tenth of the principal sum, till the whole is paid.

Repayment, rate of interest, etc.

Tax—how collected.

SECTION 2. The secretary of state shall, each year, until the whole loan be repaid, furnish to the county clerk of said county, the amount which will be due from such town at the same time that he furnishes to that officer a statement of the state tax. It shall be the duty of the county clerk, on receiving such statement, to include the amount due from such town in his apportionment of the state taxes to the town, but it shall be carried out in a separate column. And the town clerk of said town shall charge such amount on his tax roll, and the tax shall be collected by the town treasurer and paid with the state tax to the county treasurer who shall pay it over to the state treasurer with the state taxes.

Indebtedness prescribed.

SECTION 3. And it is further provided, that the said town of Necedah, in the county of Juneau, shall never during the period for which said loan shall remain unpaid, become indebted or contract debts for a greater amount, including debts heretofore contracted, as well as that herein referred to, than five per cent. on the value of the taxable property in such town, to be ascertained by the last assessment for state and county taxes previous to incurring the indebtedness authorized by this act. Before contracting any debt, and before any of said funds shall be delivered to said town, in exchange for said certificates of indebtedness, the su-

pervisors of the said town of Necedah shall file, with the secretary of state, an acceptance of the provisions of this act, and of the terms and limitations herein provided for.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 8, 1878.

[No. 302, A.] [Published March 12, 1878.]

CHAPTER 115.

AN ACT in addition to and amendatory of chapter three hundred and seventy of the laws of 1876, entitled "An act to amend chapter one hundred and ninety-nine of the private and local laws of 1859, entitled 'An act to establish a municipal court in the city and county of Milwaukee.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter three hundred and seventy of the laws of 1876, entitled "An act to amend chapter one hundred and ninety-nine of the private and local laws of 1859, entitled 'An act to establish a municipal court in the city and county of Milwaukee,'" is hereby amended so as to read as follows: Section 1. The clerk of the municipal court in the city and county of Milwaukee shall, on the first Mondays of January, April, July and October, in each year, account to and pay over to the city treasurer of said city, all fines, penalties, forfeitures and moneys, except such as are excepted in section four of this act, pertaining to the city treasury of said city, which may come into his hands by virtue of his office as such clerk; and he shall at the same time and times account to and pay over to the county treasurer of said county, all fines, penalties, forfeitures and moneys pertaining to the county treasury of said county, which may come into his hands in state cases and prosecutions by virtue of his said office; and such clerk shall also on the first Monday of January and July in each year account to and pay over to the city treasurer of said city all witnesses' fees in city cases and prosecutions, and to the county treasurer of said county all witnesses' fees in state cases and prosecutions which shall have come into his hands by virtue of his said office to within six months

Amendment; duty of clerk.

prior to such semi-annual reports, and which shall not then have been called for or paid over.

Amendment.

SECTION 2. Section two of said chapter three hundred and seventy of the laws of Wisconsin for 1876, is hereby amended so as to read as follows: "Section two of chapter one hundred and ninety-nine of the private and local laws of 1859, entitled an act to establish a municipal court in the city and county of Milwaukee, is hereby amended so that the same shall read as follows: 'Section 2. The qualified electors of the city and county of Milwaukee shall, on the first Tuesday of April, A. D. 1859, and once in every six years thereafter, elect a suitable person to the office of judge of said municipal court, to be called the municipal judge, who shall hold his office for the term of six years and until his successor is duly elected and qualified; said electors shall also elect, at the time and place aforesaid, and once in every three years thereafter, a suitable person to the office of clerk of the municipal court, who shall hold his office for the term of three years, and until his successor is duly elected and qualified; said clerk shall, before he enters upon the duties of his office, take an oath to support the constitution of the United States and of the state of Wisconsin, and to faithfully discharge the duties of his said office, and file the same in the office of the city clerk; and shall also execute to the city of Milwaukee a penal bond in such sum and with such sureties as the common council of of said city shall direct, and to be by said common council approved, conditioned that he shall account to and pay over to the city treasurer of said city all fines, penalties, forfeitures and moneys, except in the cases provided for in section four of this act, pertaining to the city treasurer of said city, which may come into his hands in virtue of his office as clerk, on or before the first Mondays of January, April, July and October in each year, and that he shall also on the first Mondays of January and July in each year account to and pay over to the city treasurer of said city, all witnesses' fees in city cases and prosecutions, except in the cases provided for in section four of this act, which shall have come into his hands by virtue of his office as such clerk to within six months prior to such semi-annual reports, and shall not have been called for or paid over; and shall also execute to the county board of supervisors of the county of Milwaukee a separate penal bond in such sum and with such sureties as the said county board of supervisors shall direct, and to be by

Municipal judge—time of election and term of office.

said county board approved, conditioned that he shall account to and pay over to the county treasurer of said county all fines, penalties, forfeitures and moneys pertaining to the county treasurer of said county, including the fines, penalities, forfeitures, and moneys provided for in section four of this act, which may come into his hands by virtue of his office as clerk, on or before the first Mondays of January, April, July and October, in each year, and that he shall also on the first Mondays of January and July, in each year, account to and pay over to the county treasurer of said county all witnesses' fees in state cases and prosecutions, and in the cases provided for in section four of this act, which shall have come into his hands by virtue of his office as such clerk, to within six months prior to such semi-annual reports, and shall not have been called for or paid over.

Fees to be drawn upon certificate of clerk.

SECTION 3. Section three of said chapter three hundred and seventy is hereby amended so as to read as follows: "Section 3. All witnesses fees which shall be paid to the city treasurer, or to the county treasurer, by the clerk of the municipal court, shall be drawn out of the city treasury or county treasury, as the case may be, upon the certificate of the clerk of the municipal court, specifying the name of the person entitled to such witness fees, the amount due to him therefor, and the title of the cause in which he appeared as a witness.

Fines and costs to be paid to clerk.

SECTION 4. All fines and costs imposed in and by the municipal court in the city and county of Milwaukee, for the violation of any ordinance of said city, which shall be paid or collected after the commitment of any person to the custody of the inspector of the house of correction for the violation of any such ordinance, shall be paid to, and collected by, the clerk of said court, and the same, except the witnesses' fees included in such costs, shall also be by him accounted to, and paid over to, the county treasurer of said county, at the time and times of his making his quarterly reports to the said county treasurer, as provided in section one of this act; and the witnesses' fees included in such costs shall also be by him accounted to and paid over to such county treasurer, at the same time and in the same manner in all respects, as he is required in sections one and two of this act, to account for and pay over witnesses' fees, to said county treasurer.

Clerk to furnish bond.

SECTION 5. It is hereby made the duty of said clerk to execute within thirty days from the date of the

passage and publication of this act, to the city of Milwaukee and to the county board of supervisors of the county of Milwaukee, the bonds respectively provided for in section two of this act, and to cause the same to be approved as provided for in said section; and upon the execution and approval of such bonds as so provided, the liability of said clerk and of his sureties upon his present official bond, shall terminate, and the said last mentioned bond be thenceforth discharged, save on account of liabilities thereon accruing to the date of such discharge thereof, or which may thereafter occur on account of misapplication of, or neglect or failure to account for fines, penalties, forfeitures, fees or other moneys which may have come into his hands previous to the time of such discharge of such bond.

SECTION 6. All acts and parts of acts so far as they conflict with the provisions of this act are hereby repealed. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1878.

[No. 25, S.] [Published March 12, 1878.]

CHAPTER 116.

AN ACT to amend section two of chapter one hundred and sixty-eight of laws of Wisconsin of 1873, entitled "An act to provide for finishing the state capitol, protecting the same against fire, for the improvement of the capitol park, and appropriating money to pay for the same."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Water works; authority of governor.

SECTION 1. In order to enable the governor to carry out the object and purposes of chapter one hundred and sixty-eight of the laws of Wisconsin of 1873, section two of said chapter one hundred and sixty-eight is hereby amended so as to read as follows: In order to protect the state capitol and the property and records of the state, in case of fire, and to have a sufficient supply of water for use in and about the capital and grounds in the park, the governor is hereby authorized and directed to extend the waterpipe from the reservoir and water connections in the university grounds to the state capitol, and to arrange for the use of the water in the building and park, according to the wants of the state; *provided*, that the sum to be expended

for said work shall not exceed the sum of six thousand dollars; *and provided, further*, that no corporation, person or persons shall be allowed to tap said pipe for private use.

SECTION 2. The governor shall adopt a suitable plan and shall let the work to the lowest bidder, and shall require the completion of the same on or before the fifteenth day of August next, and the governor is hereby authorized to make such permanent arrangements with the regents of the university as he shall deem for the best interests of the state, to secure the continued supply of water contemplated by this act, such supply of water to be furnished without expense to the state; and no expenditure shall be made or liability incurred until such arrangements with the regents shall have been made. **Work to be let to lowest bidder.**

SECTION 3. There is hereby appropiated out of any moneys in the treasury, not otherwise appropriated, a sufficient sum to carry out the provisions of this act, and shall only be paid out upon the certificate of the governor that the work has been completed to his satisfaction. **Appropriation.**

SECTION 4. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved March 8, 1878.

[No. 117, A.] [Published March 13, 1878.]

CHAPTER 117.

AN ACT to amend section eleven of chapter sixty-seven, revised statutes of one thousand eight hundred and fifty-eight, relating to the election of officers of cemetery associations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section eleven of chapter sixty-seven of the revised statutes of one thousand eight hundred and fifty-eight, is hereby amended by adding to the end of said section, "and in case a special election is not had within said sixty days, five members of said association may apply to the judge of a court of record in and for the county in which said association exists, for an order granting power to hold a new election, by publishing **Amendment.**

a notice of said application in some newspaper published in said county for two weeks prior to said application. The judge of said court shall, on application and proof of publication of the notice of said application, grant an order out of the said court authorizing said association to hold an election for the election of officers, and said election shall then be held, and notice given thereof in the same manner as if it had been held within said sixty days."

New election may be held.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1878.

[No. 109, A.] [Published March 13, 1878.]

CHAPTER 118.

AN ACT to authorize the commissioners of school and university lands to loan a portion of the trust funds of the state to the city of New London, in Waupaca county, in this state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authority of commissioners to loan money to town; repayment; rate of interest.

SECTION 1. The commissioners of school and university lands are hereby authorized to loan a portion of the trust funds of this state, not exceeding twenty-five thousand dollars, to the common council of the city of New London, in the county of Waupaca, in this state, and the said common council is hereby authorized to borrow a sum not exceeding the amount above named, of the said commissioners, and to issue to the said commissioners certificates of the indebtedness so contracted. Said indebtedness shall bear interest at the rate of seven per centum per annum, and said interest shall be paid annually, and on and after five years from the date of said indebtedness, one-tenth of the same, together with the said interest, shall be paid annually, until the whole sum is paid.

Duty of secretary of state.

SECTION 2. Each and every year, until the whole loan shall be paid, the secretary of said state shall, when he apportions the state taxes among the several counties, add to the state tax which would be properly chargeable to said county of Waupaca, the annual interest due the state on said loan, and each and every year on and after five years from the date of said loan shall add to said state tax one-tenth of the said principal sum loaned, together with the said annual inter-

est, and the same shall be levied and collected out of the taxable property of said city, and paid over to the county treasurer of Waupaca county, and by him to the state in the same way as other state taxes are collected and paid.

Tax shall be levied.

SECTION 3. At the time and in the manner provided for levying taxes for state and county purposes, the board of supervisors of the said county of Waupaca shall levy each and every year the amount of money required for the payment of the said annual interest, and each and every year, on and after five years from the date of said loan, shall levy the amount of money required for the payment of the said annual interest together with one-tenth of the principal sum loaned by the commissioners of school and university lands to the common council of the city of New London, in said county of Waupaca, as provided for in the preceding sections of this act.

Certificate of indebtedness; denominations, etc.

SECTION 4. Said certificates of indebtedness shall be for the sum of five hundred dollars each, numbered from one to fifty, inclusive, and made payable to the commissioners of school and university lands, and signed by the mayor of said city, and countersigned by the clerk thereof. Said certificates to be deposited by the mayor of said city with the treasurer of the state as custodian thereof, together with a list of the instrument which have been heretofore issued as the bonds of the village, now city of New London, being five hundred, one hundred dollars each, to the treasurer of the Green Bay and Lake Pepin Railroad Company, in aid of said company, with a statement of the coupons which are or were attached thereto, and are unpaid. No money shall be paid or become payable by the said city of New London upon or for said certificates of indebtedness, and the same shall have no validity or effect unless nor until the said instruments purporting to be the bonds of said village, now city of New London with the unpaid coupons which are or were attached thereto and are unpaid, shall be surrendered to the said commissioners for cancellation, upon their paying to the holders of the same fifty cents upon the dollar of the principal mentioned in said instruments, upon which surrender, and not before, the said certificates of indebtedness shall be delivered to said commissioners by said state treasurer, and become in force; but the said commissioners shall not cancel or take up any of said instruments until as many as twenty thousand dollars of them shall be offered for cancellation on the terms

aforesaid. And no part of the said trust funds hereinbefore authorized to be loaned to the common council of the said city of New London, shall be paid over or delivered to the said common council except in payment of the said instruments or bonds aforesaid. All the instruments so surrendered for cancellation with the unpaid coupons shall be cancelled and destroyed by the commissioners in the presence of the mayor of said city and the clerk thereof; all of whom shall make and sign in duplicate a certificate of said cancellation and destruction, setting forth therein the numbers and the amount and date of each instrument so cancelled and destroyed and of the numbers and amounts of the coupons aforesaid, one of which certificates shall be recorded in the office of the secretary of state and the other in the office of said city clerk.

Cancellation of certificates of indebtedness.

Validity of village bonds not recognized.

SECTION 5. Nothing herein shall be construed into a recognition of the validity of the instruments so issued as bonds of the village, now city of New London.

Common council to file acceptance.

SECTION 6. Before any of said funds shall be delivered to the said city of New London the common council of the said city shall file with the secretary of state an acceptance of the provisions of this act and of the terms and limitations herein provided for and prescribed.

SECTION 7. This act shall take effect and be in force from and after it passage and publication.

Approved March 8, 1878.

[No. 108, A.] [Published March 12, 1878.]

CHAPTER 119.

AN ACT respecting trusts created by will and repealing chapter one hundred and sixteen of the laws of Wisconsin for 1874.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Trustee to file oath and inventory.

SECTION 1. Every trustee to whom any estate, real or personal, shall be devised or bequeathed in trust for any person, or who may be appointed by any county court to carry out the provisions of any will, when such will creates a trust without naming a trustee, shall, before he enters upon his duties as trustee, make and file in the county court having jurisdiction of the probate of the will, an oath to the effect that he will comply with the provisions of this act, and will faithfully

perform his duties as trustee. Such trustee shall, within three months after he accepts the trust, make and file in said court a true inventory, verified by his oath, of all the property, real, personal or mixed, so devised and bequeathed to him; and shall annually thereafter make a report to said court of his management of the trust property, stating therein in detail, in what it is invested or consists, its amount and income.

When trustee shall file bond.

SECTION 2. If by the provisions of the will, the trustee, before he receives the trust property, is to give security, then he shall give bond to the county judge and his successors in office, in such sum as the judge or county court may order, with sufficient sureties, conditioned that he will file the inventory and make the reports required by the provisions of this act, and that at the expiration of his trust he will settle his accounts with said court, and pay out and deliver according to law all money and property in his hands, or for which he is liable, and that he will faithfully perform the duties of trustee. If, by the provisions of the will no security is required of the trustee, the court may, at any time after the will is proved, order the trustee to give such or similar bonds, if it appears that it is required by reason of any change after the will was executed, in the condition, situation or circumstances of the trustee, or that there is any other good and sufficient reason therefor.

Causes for removal of trustee, etc.

SECTION 3. Any trustee who shall neglect or refuse to give any bond required by the court, pursuant to the provisions of this act, for twenty days after notice that such bond is required, shall, if he has not already entered upon his duties as trustee, be considered to have declined the acceptance of the trust; and if he has entered upon such duties, such neglect or refusal shall be good cause for his removal; also such trustee may be removed by the court for imbecility of mind, incapacity or insanity, due notice being first giving him.

New trustee may be appointed.

SECTION 4. Any trustee may be permitted by the county court to resign his trust, if the court deem it expedient. If any trustee die, resign or be removed, another trustee, after notice to the persons interested, may be by the court appointed in his stead. The trust estate shall vest in the trustee so appointed as fully, to all intents and purposes, as it did in his predecessor; and the court may by its order, if it deem best, transfer it to him, or direct and require his predecessor so to do, and he may sue for and recover the same.

Powers of county courts.

SECTION 5. To keep the trust property from being removed out of the state, or improperly or illegally used or invested, the county court shall have the same power as circuit courts to issue the writ of *ne exeat* and injunction, and may from time to time make all necessary orders and decrees in relation to the trust property, its sale, management, investment and disposition, and the settlement of the accounts of the trustee.

Repealed.

SECTION 6. Chapter one hundred and sixteen of the laws of Wisconsin for 1874, entitled, "An act to confer upon the county court jurisdiction of trusts created by will, and to prescribe proceedings in said court in relation thereto," is hereby repealed; but the repeal shall not affect any bond or proceedings heretofore given or had under said chapter.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1878.

[No. 327, A.] [Published March 13, 1878.]

CHAPTER 120.

AN ACT relating to the preservation of fish, and entitled "An act for the preservation of fish in the mill pond known and designated as Pardee & Ashley's mill pond, and the streams tributary thereto, in Columbia county, Wisconsin."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Fishing prohibited.

SECTION 1. It shall be unlawful for any person or persons, to kill, destroy, catch or take in any way or manner, or pursue with intent to kill, destroy, catch or take in any way or manner whatever, any fish of any kind, in the pond commonly known and designated as Pardee & Ashley's mill pond, situated and lying in the county of Columbia, or in the waters of Fox river running into said pond, within the distance of seven miles above the dam which forms said mill pond, between the first day of January and the first day of May, and between the first day of November and the thirty-first day of December in any year.

Penalty for violation.

SECTION 2. Any person or persons violating the provisions of this act, shall, upon conviction thereof, be subject to a fine of not more than twenty-five dollars, nor less than five dollars, together with the costs of prosecution, and shall be committed to the common

jail of said Columbia county, until such fine and costs are fully paid, or until he or they be discharged by law.

SECTION 3. Justices of the peace of said county of Columbia shall have jurisdiction to hear, try and determine all cases arising under the provisions of this act: *provided*, that the defendant shall not be deprived of his right of trial by jury, nor his right to appeal as in other cases. All prosecutions under this act shall be deemed criminal proceedings, and shall be conducted as provided by law for the prosecution of offenses cognizable before justices of the peace; and in all cases of conviction under this act, one-half of all fines or penalties collected shall be paid over by the justice or persons collecting the same to the person who shall inform or make the complaint in the case. Jurisdiction of courts.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1878.

[No. 156, S.] [Published March 13, 1878.]

CHAPTER 121.

AN ACT relating to certain classes of railway bonds therein named, and amendatory of chapter three hundred and thirty-five of the private and local laws of 1869.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section two of chapter three hundred and thirty-five of the private and local laws of 1869, is hereby re-enacted and amended so as to read as follows: The holders of all classes of bonds heretofore issued by the Chicago, Milwaukee & St. Paul Railway Company, and of all bonds that may hereafter be issued by said company under the provisions of the consolidated sinking fund mortgage, executed by said company, bearing date June 15, 1875, upon complying with such reasonable and proper regulations as shall be established by the company for the registration of their bonds in the office of the company, may thereafter have and give one vote for the election of directors on each one hundred dollars of the principal of their bonds. Re-enacted. Rights of bondholders.

SECTION 2. Section three of the act to which this act is amendatory, and all other acts and parts of acts

in conflict with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1878.

[No. 158, S.] [Published March 13, 1878.]

CHAPTER 122.

AN ACT to authorize the commissioners of school and university lands to loan a portion of the trust funds of the state to town of Rushford, Winnebago county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authority of commissioners to loan money to town.

SECTION 1. The commissioners of school and university lands are hereby authorized to loan a portion of the trust funds of this state, not exceeding two thousand dollars, to the town board of supervisors of the town of Rushford, in the county of Winnebago, in this state, and the said board of supervisors is hereby authorized to borrow a sum of money, not exceeding two thousand dollars, of said commissioners, and to issue to said commissioners certificates of indebtedness so contracted. Said indebtedness shall be on interest at the rate of seven per cent. per annum. Said interest shall be paid annually, together with not less than one-fourth of the principal sum after the first year, until the whole is paid.

Duty of secretary of state.

SECTION 2. The secretary of state shall, each year until the whole loan is repaid, furnish to the county clerk of said county the amount which will be due from such town at the same time that he furnishes to that officer a statement of the state tax. It shall be the duty of the county clerk, on receiving such statement, to include the amount due from such town in his apportionment of the state taxes to said town, but it shall be carried out in a separate column. And the town clerk of said town shall charge such amount on his tax roll, and the tax shall be collected by the town treasurer and paid with the state tax to the county treasurer, who shall pay it over to the state treasurer, with the state taxes.

Indebtedness of town limited

SECTION 3. And it is further provided, that the said town of Rushford, in the said county of Winnebago,

shall not, during the time for which said loan shall remain unpaid, become indebted or contract debts for a greater amount, including debts heretofore contracted as well as that herein referred to, than five per cent. on the value of the taxable property in such town to be ascertained by the last assessment for state and county taxes previous to incurring the indebtedness authorized by this act. Before contracting any debt, and before any of said funds shall be delivered to said town in exchange for said certificates of indebtedness, the supervisors of the said town of Rushford shall file with the secretary of state an acceptance of the provisions of this act and of the terms and limitations herein provided for; *and, further*, the said sum of money shall be used for bridge purposes in said town. And the making and filing of the acceptance hereinbefore provided by the supervisors of said town shall be deemed and held to be a levying of the taxes necessary for the repayment of said loan in the manner and form hereinbefore provided.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 8, 1878.

[No. 136, S.] [Published March 13, 1878.]

CHAPTER 123.

AN ACT to amend an act, entitled "An act to incorporate Lawrence Institute," of private and local laws of the territory of Wisconsin for 1847.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The Wisconsin conference of the M. E. church shall at its next annual meeting elect by ballot six visitors to the Lawrence University of Wisconsin, two of whom shall serve for the term of one year, two for the term of two years, and two for the term of three years; and annually thereafter said conference shall, in like manner, elect two visitors to the said university, who shall serve for the term of three years. Election of visitors; terms of office, etc.

SECTION 2. The West Wisconsin conference of the M. E. Church, shall, at its next annual meeting, elect by ballot three visitors to the Lawrence University of Wisconsin, one of whom shall serve for the term of one Same.

year, one for the term of two years, and one for the term of three years; and annually thereafter said conference shall elect, in like manner, one visitor to the said university, who shall serve for the term of three years.

Visitors to be ex-officio trustees of university.

SECTION 3. The visitors provided for by this act shall be *ex-officio* trustees of said university, with all the rights and duties of the other trustees.

SECTION 4. All acts or parts of acts providing for the election of visitors to said university, otherwise than as herein provided for, are hereby repealed.

SECTION 5. This act shall take effect from and after its passage.

Approved March 8, 1878.

[No. 18, S.] [Published March 13, 1878.]

CHAPTER 124.

AN ACT to amend chapter fifty-five of the general laws of 1869 entitled, "An act to provide for stereotyping the reports of the decisions of the supreme court."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Supreme court to appoint reporter.

SECTION 1. The supreme court shall, from time to time, appoint subject to removal, a competent person to report such decisions and opinions of said court as they may deem important and expedient to be reported and published. Such reporter, before he enters upon the duties of his office, shall execute a bond, with two sufficient sureties, to the state of Wisconsin, in the sum of two thousand dollars, to be approved by the secretary of state, conditioned for the faithful performance of his duties as such reporter.

Duty of reporter.

SECTION 2. The supreme court reporter shall, as soon as practicable after the decisions of the supreme court are announced, furnish and deliver to the person, persons or corporation having the contract with the state for publishing the same, copies of such decisions, with a syllabus and brief abstract of the case, and briefs of counsel, if necessary, with suitable notes of the points decided in each case, and an index, to be published in suitable volumes. Each of said volumes shall contain not less than seven hundred and fifty, nor more than eight hundred pages, to be stereotyped,

printed and bound in a good substantial manner and form, of good material for law books, and of the same style and quality as volume thirty-nine of the Wisconsin reports, to be approved and accepted by the judges of the supreme court or a majority of them.

Publication of reports; price per volume, etc

SECTION 3. The supreme court reporter shall have no pecuniary interest in such reports, but the same shall be published under the supervision of the reporter, by contract, to be entered into by the commissioners of the public printing with the person or persons or corporation who shall agree to publish and sell the same on the most advantageous terms to the people of this state, at a price not exceeding two dollars per volume of not less than seven hundred and fifty nor more than eight hundred pages; and if any such volume shall in any way, or from any cause, contain more than eight hundred pages, no increased or additional price shall be charged therefor: and also publish and deliver to the secretary of state at the earliest practicable time, and within sixty days after the delivery of the manuscripts for any one copy of reports to the publishers at the capitol in Madison, two hundred and fifty copies without expense or charge to the state in any respect, and shall agree to stereotype the same, and at all times keep the same on sale in the state of Wisconsin to residents of this state at the contract price, in suitable quantities and at such place or places as may be designated by said commissioners, and furnish the state any number of additional copies that may be thereafter required at the contract price, and procure new stereotype plates whenever the original plates shall become defaced or destroyed. The copyrights of all the reports hereafter published shall vest in the secretary of state for the benefit of the people of this state; but this shall not be construed to prevent the contractor by whom any volume is published, his representatives or assigns, from continuing the publication and sale of such volume, so long as he or they shall comply in all respects with the requirements of this act, in respect to the character, sale and price of such volume. The commissioners of public printing shall, commencing in the first week in April, 1878, and every eight years thereafter, advertise in six different newspapers in different localities in this state, for the term of six weeks, that sealed proposals will be received at the office of the secretary of state, for printing, publishing and selling as in this act provided the said reports for the term of eight years next thereafter, at a certain rate per volume, to

Copyright to vest in secretary of state.

be stated in proposals, not exceeding the maximum price fixed by this act, and in accordance with the provisions of this act.

Each bidder to deposit $1,000.

SECTION 4. Each bidder shall deposit with the state treasurer, before making his proposals, the sum of one thousand dollars, to be forfeited in case he shall not make a contract according to his proposals, if accepted, and according to the requirements of this act, and shall take a receipt of said treasurer and deposit the same with his proposals.

Successful bidder to file bond.

SECTION 5. The successful bidder shall make a contract according to the terms of his proposals, and according to the terms of this act, within thirty days after notice that the same is accepted and shall also file with the state treasurer a bond, in the penal sum of ten thousand dollars, conditioned to fulfill such contract in all particulars, with at least two sufficient sureties, residents of this state, to be approved by the secretary of state. Such bond shall, by its terms, be the joint and several obligations of the persons executing it. If the successful bidder shall fail to complete his contract or shall forfeit the same for any cause, the commissioners of public printing shall relet the contract as soon thereafter as practicable, and in the manner provided in section three of this act: *provided, however*, that such bidder may, in lieu of sureties to such bond, deposit therewith bonds of the United States payable to the bearer, amounting to not less than ten thousand dollars, which said bonds shall be deemed and held to be forfeited to the state of Wisconsin in case of the failure of such bidder to fulfill any of the conditions of his said bond by him to be performed.

When contract may be re-let.

Duty of successful bidder.

SECTION 6. The contract of the successful bidder, required by section five of this act, shall contain among others the following covenants on his part: 1. That he will not take out in his own name, nor procure to be taken out in the name of any person other than the secretary of state of this state, a copyright upon any volume published under such contract; and that upon any breach of this covenant, he will pay to the treasurer of this state five hundred dollars as liquidated damages. 2. That in case it shall be determined in any action upon the bond of such contractor, that he has failed in any respect to comply with the provisions of this act or of his contract, the commissioners of public printing may declare the contract forfeited; and that upon forfeiture, so declared, such contractor will, upon demand, transfer to the secretary of state of this state,

for the use of the state, the stereotyped plates of all volumes published under such contract, or will pay to the treasurer of this state one thousand dollars for each such volume, as liquidated damages for a failure to make such transfer, and such failure shall be deemed a breach of the conditions of such bond and such liquidated damages may be recovered by action upon such bond.

SECTION 7. The annual salary of the reporter of the supreme court shall be three thousand dollars. Salary of reporter.

SECTION 8. If the manuscript for one volume shall be in the hands of the printer for publication, when this act takes effect, such volume may be completed and published under existing laws. Incomplete publications.

SECTION 9. Sections thirty-five and forty of chapter two hundred and forty-three of the laws of Wisconsin of 1874, and chapter ninety-eight of the laws of Wisconsin of 1875, and chapter twenty-five of the revised statutes of 1858, and all acts and parts of acts conflicting with the provisions of this act are hereby repealed: *provided*, that the passage of this act shall not be construed to vacate the appointment of supreme court reporter. Acts repealed.

SECTION 10. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1878.

[No. 325, A.] [Published March 14, 1878.]

CHAPTER 125.

AN ACT act relating to the preservation of fish, and entitled "an act for the preservation of fish in the mill ponds known and designated at Dates mill and Briggsville ponds and the streams running into the same.",

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. It shall be unlawful for any person to kill, destroy, catch, or take in any manner, or pursue with intent to kill, destroy, catch, or take in any way or manner whatever, any fish of any kind, in the pond commonly known and designated as Dates' mill pond, situated and lying in the counties of Columbia and Marquette, and the streams running into said pond, within the distance of two miles above the dam which forms said mill pond, or in Briggsville pond lying in the counties of Adams, Columbia and Marquette, be- Fishing—where prohibited.

tween the first day of January and the fifteenth day of April, and between the first day of November and the thirty-first day of December in any year.

Penalty for violation.

SECTION 2. Any person or persons violating the provisions of this act shall, upon conviction thereof, be subject to a fine of not more than twenty-five dollars, nor less than five dollars, together with the costs of prosecution, and shall be committed to the common jail until such fine and costs of prosecution are paid, or until he or they are discharged by law.

Jurisdiction of courts.

SECTION 3. Justices of the peace of said counties of Adams, Columbia and Marquette, shall have jurisdiction to hear, try and determine all cases arising under the provisions of this act: *provided*, that the defendant shall not be deprived of his right of trial by jury, nor his right to appeal, as in other cases. All prosecutions under this act shall be deemed criminal proceedings, and shall be conducted as provided by law for the prosecution of offenses cognizable before justices of the peace; and in all cases of conviction under this act, one-half of all fines or penalties collected shall be paid over by the justice collecting the same to the person who shall inform or make the complaint in the case.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 9, 1878.

[No. 214, A.] [Published March 13, 1878.]

CHAPTER 126.

AN ACT for the preseveration of trout in the waters of St. Croix and Pierce counties.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Unlawful to take trout for the term of three years.

SECTION 1. No person shall, for the period of three years from the taking effect of this act, in any manner catch or take from any of the brooks or streams within the limits of the counties of St. Croix and Pierce, any brook or speckled trout: *provided*, any person owning or managing a brook or stream within the limits of said counties, used exclusively for the propagation, hatching or raising, for family use or market, of brook or speckled trout, shall not be subject to the provisions or penalties of this act.

SECTION 2. Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be liable to a fine for each and every such offense of not less than ten dollars, nor more than one hundred dollars, and costs of prosecution, and shall stand committed to the common jail of said county until such fine is paid. Justices of the peace shall have jurisdiction of all prosecutions under this act. **Penalty for violation of act.**

SECTION 3. All acts or parts of acts contravening the provisions of this act are hereby repealed. **Repealed.**

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved February 9, 1878.

[No. 3, A.] [Published March 14, 1878.]

CHAPTER 127.

AN ACT for the preservation of brook trout in Monroe county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. No person shall sell, or expose for sale, or dispose of in any manner for profit or gain, at any place in Monroe county in this state, any brook trout caught or killed in any of the streams or waters of Monroe county for the purposes of selling or transportation; and no person or persons, corporation, railroad or express company or agent or employe thereof, shall have in his, their or its possession, for the purpose of transportation, any brook trout caught or killed in any of the streams or waters of Monroe county in this state: *provided*, that nothing herein contained shall apply to or affect the laws of this state relating to the sale of brook trout by persons or corporations engaged in the propagation and raising brook trout by artificial means. **Unlawful to transport or catch trout.**

SECTION 2. No person, persons or corporation shall catch any brook trout in any of the streams or waters in Monroe county, in any way whatever, or at any time, for the purpose of stocking any fish pond, stream, creek, river or hatching establishment: *provided*, nothing herein contained shall apply to or affect the laws of this state relating to the powers of the fish commissioners of the state of Wisconsin. **Catching trout for the stocking of other waters prohibited.**

Employes liable.

SECTION 3. Any person who shall receive any pay or compensation, directly or indirectly, from any person, persons or corporation, for services rendered in catching or killing brook trout in any of the streams or waters of Monroe county, in any manner, or at any time, shall be deemed guilty of intention to violate this act, and shall be liable to the provisions thereof, as much as though taken with brook trout unlawfully killed or taken in their possession: *provided*, that nothing herein contained, shall be construed as changing the time for catching brook trout with a hook and line as provided by the laws of this state.

Limitation of act.

Penalty for violation of this act.

SECTION 4. Any person, persons or corporation, who shall violate any of the provisions of this act, shall on conviction thereof, be subject to a fine of not less than five dollars nor more than one hundred dollars, for each and every offense, with costs of suit, and shall be imprisoned in the county jail until such fines and costs are paid, or until discharged by due course of law; one-half of such fine shall be paid to the complainant, and the remainder shall be disposed of the same as other fines.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 9, 1878.

[No. 83, S.] [Published March 14, 1878.]

CHAPTER 128.

AN ACT to amend chapter 144 of the laws of Wisconsin of 1876, entitled "An act to authorize the commissioners of school and university lands to loan a portion of the trust funds to the county of Wood."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Coupons—when not all presented—mode of procedure.

SECTION 1. When any one of the bonds of the county of Wood, referred to in chapter one hundred and forty-four of the laws of Wisconsin of one thousand eight hundred and seventy-six, shall be presented to the commissioners of school and university lands for surrender and cancellation, under section five of said chapter, without presentation therewith of all the unpaid coupons which had been attached thereto, the said commissioners may receive a surrender of such bond, and of such coupons, as are presented

therewith, and pay to the holder one-half the principal of such bond, after deducting such proportion thereof as the unpaid coupons not presented shall bear to the sum of the principal, and of all the unpaid coupons presented and not presented, and the sum so deducted shall remain in the hands of said commissioners, to be paid in satisfaction of such unpaid coupons whenever they shall be presented for cancellation, and such coupons shall then be cancelled and destroyed, and a certificate thereof made and recorded, as is provided for in said section five: *provided*, that if no more than one of any such coupons be missing upon a bond, and the holder of such bond shall claim that such coupon has been lost, said commissioners may receive a surrender of such bond and the other unpaid coupons, and pay to the holder one-half the principal of such bond.

SECTION 2. This act shall be in force from and after its passage and publication.

Approved March 9, 1878.

[No. 100, S.] [Published March 14, 1878.]

CHAPTER 129.

AN ACT to authorize the county of Brown to exchange bonds with certain bondholders.

WHEREAS, by virtue of the authority granted by chapter ninety-three of the private laws of eighteen hundred and sixty-seven, entitled "an act to authorize the counties and towns through which the Green Bay and Lake Pepin Railway passes to aid in its construction, the county of Brown did, on the first day of July, eighteen hundred and seventy, and on the first day of January, eighteen hundred and seventy-one, issue to said railway company, sundry bonds of said county to the amount of one hundred and fifty thousand dollars; and Preamble.

WHEREAS, by virtue of chapter seventy-six of general laws of eighteen hundred and seventy-one, approved March fourteenth, eighteen hundred and seventy-one, entitled an act to amend chapter twenty-five of general laws of eighteen hundred and seventy, entitled "an act to authorize certain towns, counties, cities and villages to aid the Milwaukee and Northern Railway Company;" the said county of Brown did, on

the first day of July, eighteen hundred and seventy-one, issue to said Milwaukee and Northern Railway Company, sundry other bonds of the said county of Brown, to the amount of one hundred thousand dollars, all of which bonds so issued as aforesaid are still outstanding and unpaid; and,

WHEREAS, said county is desirous of exchanging said bonds, so issued as aforesaid, for other bonds of a similar amount, but varying in the mode and manner of payment; therefore

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Exchange of bonds authorized.

SECTION 1. The county of Brown is hereby authorized and empowered to exchange said bonds above referred to, to-wit: the one hundred and fifty thousand dollars issued as aforesaid to said Green Bay and Lake Pepin Railroad Company, and the one hundred thousand dollars issued to the Milwaukee and Northern Railroad Company, for other bonds of a similar amount, bearing a rate of annual interest not exceeding eight per cent., all payable within a period of time not exceeding twenty years from the date of issue of said bonds, in such sums, such proportions, and such manner, as may be agreed upon by and between the holders of said bonds and the said county of Brown.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 9, 1878.

[No. 54, S.] [Published March 13, 1878.]

CHAPTER 130.

AN ACT to authorize the appointment of a phonographic reporter for the circuit court of Calumet county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Phonographic reporter — appointment of authorized.

SECTION 1. It shall be lawful for the judge of the circuit court for the fourth judicial circuit of this state, to appoint a phonographic reporter for the circuit court in and for the county of Calumet.

Reporter — duties of.

SECTION 2. Said reporter shall be a sworn officer of said court, and shall be skilled in the art of short hand reporting, and he shall attend upon each term of said

court when requested by the judge so to do, and shall discharge such duties as the court or judge thereof shall require.

SECTION 3. The said reporter shall be allowed such daily compensation as shall be fixed by the court, not exceeding ten dollars per day, for each day's actual attendance upon said court when required by the judge thereof to attend, which shall be certified, audited and paid in like manner as is provided by law for the payment of the sheriff for attending upon the court: *provided*, but one such reporter shall be employed at the same time. **Compensation.**

SECTION 4. It shall be the duty of said reporter, upon the request of a party to any suit, or the attorney or attorneys of such party, the evidence in which suit shall have been taken by such reporter, to make and furnish transcripts of such evidence so taken by him, or any other proceedings had in such trial, to such party or his attorney, for which transcript so furnished, said reporter shall be entitled to charge and receive from the party requiring the same to be made, ten cents for each folio of one hundred words. In the trial of criminal cases the court may, in its discretion, order a transcript of the evidence and proceedings to be made, certified, audited and paid for in the same manner as the per diem compensation of such reporter, and in such cases the reporter's notes shall be written out in full and filed with the clerk of the court. **Transcripts.**

SECTION 5. The judge of said court may, in his discretion, remove said reporter, and may fill such vacancy caused by such removal, or any other cause. **Removal—power of.**

SECTION 6. This act shall take effect and be in force from and after its passage.

Approved March 9, 1878.

[No. 102, S.] [Published March 18, 1878.]

CHAPTER 131.

AN ACT to authorize the judge of the Eleventh Judicial Circuit to appoint an additional court commissioner in the county of Chippewa.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The judge of the eleventh judicial circuit is hereby authorized to appoint one court com- **Court commissioner—appointment of**

Additional authorized.

missioner in the county of Chippewa, in addition to those now authorized by law to be appointed therein, and hereafter, whenever vacancies may occur in such office, the said judge may fill the same by appointment in the manner now provided by law.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 9, 1878.

[No. 3, S.] [Published March 13, 1878.]

CHAPTER 132.

AN ACT to provide for the purchase of four hundred copies of Webster's Unabridged Dictionary.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Purchase of dictionaries authorized.

SECTION 1. The state superintendent of public instruction is hereby authorized and directed to purchase, on behalf of the state, two hundred copies of the latest edition of Webster's Unabridged Dictionary, at a cost, delivered at his office, not to exceed seven dollars per copy: *provided*, that he may purchase four hundred copies, if they can be delivered as aforesaid, at a price not exceeding six dollars per copy.

How distributed.

SECTION 2. The said dictionaries, when procured, shall be distributed in accordance with the provisions of chapters sixteen and thirty-two of the general laws of 1867.

Appropriation for purchase.

SECTION 3. There is hereby appropriated out of the general fund a sum sufficient to pay for the dictionaries provided for.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 9, 1878.

[No. 60, S.] [Published March 13, 1878.]

CHAPTER 133.

AN ACT to amend section one hundred and fifty-six of chapter thirteen of the revised statutes of 1858, entitled, "of counties and county officers."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one hundred and fifty-six of chapter thirteen of the revised statutes of 1858, entitled "of counties and county officers," is hereby amended by adding to the end of said section the following: Actions for the collection of the forfeiture herein provided, in case of any such refusal or neglect, may be brought in all cases of such refusal and neglect, and shall be brought in the name of the state of Wisconsin, in the manner now provided by law, upon the complaint of the district attorney of the proper county, or of any party aggrieved by such neglect or refusal, and execution shall issue upon any judgment obtained in any such actions, as in other cases of tort.

Amended.

Actions for forfeiture—how brought.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 9, 1878.

[No. 172, S.] [Published March 13, 1878.]

CHAPTER 134.

AN ACT to provide compensation for the services of the president *pro tempore* of the senate.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated to L. W. Barden, out of any moneys in the treasury not otherwise appropriated, the sum of three hundred and fifty dollars, which sum shall be in full for his services as president *pro tempore* of the senate during the present session of the legislature.

Appropriation.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 9, 1878.

[No. 496, A.] [Published March 14, 1878.]

CHAPTER 135.

AN ACT in relation to county printing in the county of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Deposit—return provided for.

SECTION 1. Whenever the successful bidder for advertising of the county of Milwaukee shall have executed the contract and bond in pursuance of the provisions of chapter two hundred and twenty-one of the laws of Wisconsin for 1877, and such bond shall have been approved by the board of supervisors of said county, the sum of five hundred dollars, deposited with the county treasurer, by such bidder, in accordance with said act, shall be returned to said bidder.

Repealed.

SECTION 2. All acts and parts of acts contravening the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 12, 1878.

[No. 347, A.] [Published March 14, 1878.]

CHAPTER 136.

AN ACT in relation to the city printing of the city of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Depost—return provided for.

SECTION 1. Whenever the successful bidder for the advertising of the city of Milwaukee shall have executed the contract and bond, under and in pursuance of the provisions of chapter two hundred and ninety-seven of the laws of Wisconsin for 1877, and such bond shall have been approved by the mayor of said city, the sum of five hundred dollars, deposited with the city treasurer, by such bidder, in accordance with said act, shall be returned to such bidder.

Repealed.

SECTION 2. All acts and parts of acts contravening the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 12, 1878.

[No. 300, A.] [Published March 14, 1878.]

CHAPTER 137.

AN ACT to amend chapter two hundred and twenty-seven of the laws of Wisconsin for 1877, entitled, "An act to amend chapter three hundred and sixty-four of the laws of Wisconsin for 1876, entitled, 'An act in relation to sheriff's fees.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter two hundred and twenty-seven of the laws of Wisconsin for 1877, is hereby amended so as to read as follows: Section 1. The salary of the sheriff of Milwaukee county shall hereafter be $5,000 per annum, payable quarter yearly, out of the treasury of Milwaukee county, which compensation shall be in lieu of all fees, per diem or other emoluments of whatever kind or nature heretofore allowed said sheriff by law. Said sheriff shall also, on the 31st day of March, 30th day of June, 30th day of September and 31st day of December in each year during the term of his office, and while receiving the salary herein provided, collect from all parties other than the county of Milwaukee for whom services are performed by him or any of his deputies, in his or their official capacity, all fees, per diem and emoluments of every kind and description, and pay the same into the treasury of Milwaukee county. Said sheriff shall also keep a true and accurate account so as to show the income of said office as it would exist if the fees, charges and emoluments thereof were returned, charged and collected under the general laws of the state, and shall also on the days heretofore mentioned make report to the board of supervisors of said county, in writing and under oath, of all fees, per diem and other emoluments of every kind and description so charged or collected by him, for services performed by him or any of his deputies, in his or their said official capacity, which report shall also state fully for what services said fees, per diem and emoluments were charged: *provided, however*, that said sheriff or his deputies shall be entitled to actual traveling expenses incurred when in the discharge of his or their official duties, beyond the corporate limits of the city of Milwaukee. Said sheriff shall render an itemized account of such expenses to the board of supervisors of the county of Milwaukee, and after said board of supervisors shall have audited the said account, the same shall be paid out of the county

Amended.

Compensation.

Duties of sheriff.

treasury of said county, in the same manner as other accounts are paid.

Special duty. SECTION 2. Any court of record in said county may require any of the deputy sheriffs assigned to such court to perform special service as interpreter for such court; but no deputy sheriff so assigned shall be allowed any additional salary, per diem or other compensation, or any fees whatsoever, in consideration of such service.

Repealed. SECTION 3. All acts and parts of acts conflicting with the provisions of this act are hereby repealed. This act shall be published immediately, and shall take effect and be in force from and after its passage and publication.

Approved March 12, 1878.

[No. 241, A.] [Published March 14, 1878.]

CHAPTER 138.

AN ACT to amend chapter 133 of the private and local laws of 1857, entitled "an act to consolidate and amend the act to incorporate the city of Kenosha, and the several acts amendatory thereof."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended. SECTION 1. That chapter 133 of the private and local laws of 1857, entitled "an act to consolidate and amend the act to incorporate the city of Kenosha, and the several acts amendatory thereof, be amended by adding thereto the following sections: The mayor of the city of Kenosha shall annually appoint one alderman from each ward of said city to constitute a member of a committee to be known as "the auditing board," and said mayor shall, in case of any vacancy in said board, have power at any time to fill such vacancy by appointment, provided that the alderman so appointed shall have been elected from the same ward as the member whose place he is appointed to fill. The mayor shall constitute a member of said board, and may preside over the same. Said board may elect a chairman to preside in the absence of said mayor. The city clerk shall act as the clerk of said board, and shall keep a record of its proceedings.

Auditing board

Powers and duties of auditing board. SECTION 2. Whenever, for any reason, vacancies shall occur in the common council so that there are not

enough aldermen to constitute a quorum for the transaction of business, the said auditing board shall be empowered to audit and allow accounts against said city for the current expenses thereof, and claims for damages awarded by commissioners upon the condemnation of land for public purposes; and when allowed, orders shall be drawn on the treasurer therefor to be signed and paid in manner and form as now provided in case of city orders: *provided*, that it shall require the affirmative votes of four (4) members of said board to pass any measure involving an expenditure of money, but in other cases a majority of said board voting in the affirmative shall be sufficient. Said board is also authorized to canvass the returns of all votes cast at any election where a canvass is now required by law of the common council, and shall determine and declare the result of such election, and in case of the election of city or ward officers, the city clerk shall issue certificates of election to the persons so declared by said board to have been elected; said board shall also have all the powers conferred by law upon the common council of said city in relation to the police, fire department, nuisances, pauper affairs, streets, alleys, and bridges, excise, and the public health, and a majority of said board may compel the attendance of absent members, and may have the same power as the common council to order a special election for city and ward officers.

Restriction of powers.

SECTION 3. Said auditing board shall have none of the powers herein above enumerated at any time when there is a quorum of the common council in existence.

Shall not levy tax.

SECTION 4. Said auditing board shall have no power to levy any tax for any purpose whatever.

Judgments—how paid.

SECTION 5. Whenever a final judgment shall be rendered against said city of Kenosha, it shall be the duty of the common council, upon proof of a certified copy of such judgment being filed with the city clerk, and before the next tax roll is completed, to levy a tax upon the real and personal property of said city for the amount of said judgment, with interest, and cause such amount to be placed and extended to said next tax-roll for the collection of city taxes, in a separate column, and such tax shall be collected in the same manner as other taxes: *provided*, that no such tax to pay any judgment shall be levied or placed in the tax roll, except by vote of the common council.

SECTION 6. This act shall take effect and be in force from and after its passage.

Approved March 12, 1878.

[No. 225, A.] [Published March 15, 1878.]

CHAPTER 139.

AN ACT to amend section twenty-one of chapter one hundred and eighty-four of the laws of Wisconsin for 1874, in reference to the collection of personal taxes in the city of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section twenty-one of chapter eighteen of chapter one hundred and eighty-four of the laws of Wisconsin for 1874, is hereby amended so as to read as follows: Section 21. On the expiration of the twenty days mentioned in the preceding section, the treasurer shall proceed to enforce the collection of the personal taxes in the manner provided by law for the collection of personal taxes by town treasurers, and if any such personal taxes shall not be paid or collected in consequence of the neglect or delay of the treasurer, the common council may sue for and recover the amount thereof from the said treasurer and his sureties. In case the taxes on personal property shall not be paid within the time limited in the next preceding section of this chapter, the treasurer shall issue his warrant directed to the chief of police of said city, requiring and commanding him, within a certain time in such warrant to be specified, to proceed and collect such taxes on personal property as shall then remain unpaid, with interest thereon at the rate of six per cent. per annum from February 1st to the date of payment. And the chief of police receiving such warrant for the purpose of collecting such unpaid taxes and interest shall have all the powers of levying, distraining and selling property, and all other remedies and powers that are given by law to town treasurers for the collection of taxes on personal property, and shall be subject to all the liabilities of such town treasurers, and shall be entitled to demand and collect a commission or percentage of five per cent. on all sums collected by him, which percentage shall be added by him to said taxes and interest, and collected with the same, and in addition thereto, as compensation for his services and in case of levy, distress or sale of property by said chief of police in virtue of such warrant, he shall be entitled in addition to such commission of five per cent., to collect the same costs and fees allowed by law to constables on execution.

Personal taxes, how collected.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 12, 1878.

[No. 96, A.] [Published March 15, 1878.]

CHAPTER 140.

AN ACT to amend the act to incorporate the Nashotah House, relating to the election of trustees.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The trustees of Nashotah House are hereby authorized to increase the number of such trustees to a number not less than fifteen nor more than thirty, of whom seven shall be a quorum for the transaction of business. And any seven of such trustees may call a meeting of the board of trustees, by giving at least ten days notice in writing to each trustee. **Enlargement of board of trustees.** **Quorum.**

SECTION 2. Section one of the act entitled "An act to incorporate the Nashotah House," approved February 4th, 1847, is hereby amended so as to provide that the annual income of the property belonging to said corporation shall not exceed five thousand dollars over and above the amount payable for salaries of professors and tutors, and for the education and support of students of such college. **Amendment.**

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 12, 1878.

[No. 63, A.] [Published March 23, 1878.]

CHAPTER 141.

AN ACT to authorize the commissioners of school and university lands to loan a portion of its trust funds to the town of Princeton, in the county of Green Lake.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The commissioners of school and university lands are hereby authorized, in their discretion, to loan a portion of the trust funds of this state, not exceeding four thousand five hundred dollars, to the town of Princeton, in the county of Green Lake, in this state, and the said town is hereby authorized to borrow a sum not exceeding the amount above named, of said commissioners, and to issue to said commissioners bonds for the indebtedness so contracted. Said in- **Commissioners to loan money.**

debtedness shall bear interest at the rate of seven per cent. per annum. And said interest shall be paid annually, together with not less than one-ninth of the principal sum, till the whole sum so borrowed be paid: *provided*, that such amount shall not, in the aggregate, including existing indebtedness, exceed five per centum on the valuation of the taxable property of said town of Princeton, as appears by the assessment of said town for state and county taxes for the year next preceding the incurring of such indebtedness.

Interest and principal — when payable.

Acceptance of loan.

SECTION 2. Before contracting any debt, and before any of said funds shall be delivered to said town in exchange for said bonds of indebtedness, the supervisors of said town shall file with the secretary of state an acceptance of the provisions of this act and of the terms and limitations herein provided for.

Secretary of state to charge amount due in apportioning tax.

SECTION 3. The secretary of state shall, each year, until the whole loan be repaid, furnish to the county clerk of said county the amount which will be due from such town at the same time that he furnishes to that officer a statement of the state tax. It shall be the duty of the county clerk, on receiving such statement, to include the amount due from such town in his apportionment of the state taxes to the town; but it shall be carried out in a separate column; and the town clerk of said town shall charge such amount on his tax roll, and the tax shall be collected by the town treasurer and paid with the state tax to the county treasurer, who shall pay it over to the state treasurer with the state taxes.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 12, 1878.

[No. 81, S.] [Published March 22, 1878.]

CHAPTER 142.

AN ACT to appropriate a sum of money therein named for improving the bridge across Buffalo Lake, in the town of Packwaukee, county of Marquette.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Commissioners created.

SECTION 1. J. A. Mahaffy, of the town of Packwaukee, and James Dunn, of the town of Oxford, in

the county of Marquette, are hereby appointed commissioners to receive and expend the appropriation made in this act, and shall, before receiving from the state treasurer any portion of such appropriation, execute a bond to the state of Wisconsin in the penal sum of two thousand dollars, with two or more sufficient sureties, to be approved by the county judge of the county of Marquette, conditioned to faithfully apply such appropriation to the purposes specified, and to make a full report to the governor within one year from the passage of this act, of the manner in which such appropriation has been expended.

Shall execute bond.

SECTION 2. There is hereby appropriated to such commissioners out of any money in the state treasury, not otherwise appropriated, the sum of five hundred dollars, to be laid out and expended in improving the bridge across Buffalo Lake, in the town of Packwaukee, in Marquette county, in such manner as such commissioners shall deem most substantial and feasible.

Appropriation.

SECTION 3. The commissioners shall, within one year from the passage of this act, expend such appropriation and make a report to the governor of the manner in which they have done the same, verified by affidavit.

Limitation of time.

SECTION 4. Such commissioners shall not furnish any materials or labor for such bridge, or be interested in any contract of others in doing so, and a violation of this section shall be deemed a misdemeanor.

Prohibited from sharing in contract.

SECTION 5. The governor may, at any time for a good cause shown, remove such commissioners and appoint others in their places, but only one commissioner shall be a resident of the town of Packwaukee.

Removal—power of.

SECTION 6. This act shall take effect and be in force from and after its passage.

Approved March 12, 1878.

[No. 369, A.] [Published March 15, 1878.]

CHAPTER 143.

AN ACT to repeal chapter two hundred and twenty-four of the laws of Wisconsin for 1876, entitled "An act to authorize the sale or conveyance for agricultural purposes of certain of the lands conferred by chapter one hundred and five, general laws of 1868, on the Sturgeon Bay and Lake Michigan ship canal and harbor company."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repealed.

SECTION 1. Chapter two hundred and twenty-four of the laws of Wisconsin for 1876, entitled "An act to authorize the sale or conveyance for agricultural purposes of certain of the lands conferred by chapter one hundred and five, general laws of 1868, on the Sturgeon Bay and Lake Michigan ship canal and harbor company," is hereby repealed: *provided*, this act shall not affect any existing contract made in compliance with said chapter two hundred and twenty-four of the general laws of Wisconsin for the year 1876.

Existing contracts not affected.

SECTION 2. This act to take effect and be in force from and after it passage.

Approved March 13, 1878.

[No. 212, S.] [Published March 15, 1878.]

CHAPTER 144.

AN ACT to authorize the governor to purchase the cabinet and library of Moses Strong, deceased, late assistant state geologist, and his scientific and mathematical instruments.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Purchase authorized.

SECTION 1. The governor is hereby authorized to procure, by purchase, at a fair and just valuation, to be ascertained by appraisement, to be made by Prof. T. C. Chamberlin, Prof. William C. Whitford and N. B. Van Slyke, who are hereby appointed a commission for that purpose, the cabinet of fossils, minerals and prehistoric relics, and also the library and the scientific and mathematical instruments of Moses Strong, late assistant state geologist, who was drowned while engaged in the discharge of his official duties, or so much thereof

as shall, upon examination by such commission, be found useful to the state or the state university: *provided*, that the cost of the same shall not exceed the sum of twenty-five hundred dollars.

SECTION 2. In case of the purchase of said cabinet, library and instruments, the governor shall cause the same to be placed and kept in the state university, to be used or disposed of by exchange or otherwise by the regents of the university, and the purchase price shall be paid to the administrator upon the estate of said Moses Strong, for the sole use and benefit of his widow and child. **Disposition of purchase.**

SECTION 3. For the purpose of carrying into effect the provisions of this act, there is hereby appropriated, out of any money in the treasury not otherwise appropriated, the sum of two thousand five hundred dollars, or so much thereof as shall be necessary. **Appropriation.**

SECTION 4. This act shall take effect and be in force from and after it passage.

Approved March 12, 1878.

[No. 119, S.] [Published March 23, 1878.]

CHAPTER 145.

AN ACT relating to the publication and sale of the reports of the geological survey, and amendatory of chapter one hundred and twenty-one of the laws of Wisconsin of 1876.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter one hundred and twenty-one of of the laws of Wisconsin of 1876 is hereby amended by adding the following sections: Section 10. The commissioners of public printing are hereby authorized to procure the printing of fifteen hundred additional copies of the final report of the geological survey, including accompanying maps: *provided*, the said commissioners of public printing shall in no case pay a greater price for press-work, folding, collating, stitching and binding than is paid the state printer at the time of the passage of this act for similar work under the state printing contract: *and, provided further*, that no greater price shall be paid for any other portion of the said work than was paid for similar work upon the publication of volume two: *and, provided further*, that there shall be **Amended.** **Printing of additional copies authorized.**

no extra charge for composition, stereotyping, cuts, plates, engravings or other material entering into the work of said additional volume ordered to be published by the provisions of this act. These copies shall be deposited with the superintendent of public property, who is hereby authorized to sell them to any citizen of this state at the cost price, including the expense of handling, the cost to be computed by the secretary of state, and to any person not a citizen of this state, at a fair price above cost to be fixed by the secretary of state. And it shall be the duty of the superintendent of public property to keep an accurate account of such sales, and to pay the amount realized therefrom into the state treasury at the end of each quarter, and the state treasurer shall report the aggregate amount of the same in his annual report. The commissioners of public printing are further authorized to use a limited portion of any net profits that may accrue from the sale of the reports to persons not citizens of the state in advertising the same in appropriate publications, if it shall seem to them in the interest of the state to do so. The said additional copies shall be distributed only as specified in this section, except by authority of the legislature. Section 11. The commissioners of public printing are hereby further authorized to complete the publications of the final report, provided it shall not exceed four volumes in all, with the accompanying maps, and provided the same is done at the same rates for an equally good quality of work and material as in the case of the volume already published. Section 12. The office and functions of the chief geologist are hereby continued in existence, and he is authorized to perform all the duties devolving upon the chief geologist, in carrying into execution the provisions this act. *provided*, that this section shall not be construed as authorizing any fixed or permanent salary.

Disposition of copies authorized by this act to be published

Completion of publication of final report authorized.

Office continued.

Appropriation.

SECTION 2. There is hereby appropriated out of any money in the general fund of the state treasury, not otherwise appropriated, a sum sufficient to carry out the purpose of this act.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 12, 1878.

[No. 86, S.] [Published March 15, 1878.]

CHAPTER 146.

AN ACT to provide for the removal of civil actions in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. In any civil action brought by or in the name of the state of Wisconsin that may have been or may hereafter be tried before a jury, and such jury has or may disagree, or where the verdict of said jury shall have been or may be set aside and a new trial ordered therein by reason of such verdict being against evidence, or contrary to the instructions of the court, if the attorney general, his assistant, or any attorney representing and appearing for said state in such action shall make affidavit that he has good reason to and does believe that the state can not have a fair and impartial trial in the county where said action was so tried or new trial so awarded, by reason of the prejudice of the people thereof, and that such prejudice will be likely to prevent the impaneling of a fair and impartial jury in such county, the judge of said court shall order such cause removed for trial to some other county in or out of the judicial circuit over which said judge presides as in the opinion of such judge will best promote the ends of justice and the convenience of the parties. There can be but one removal for such cause in any one case. **Judge to order removal of case to another county.**

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 12, 1878.

[No. 131, S.] [Published March 15, 1878.]

CHAPTER 147.

AN ACT to authorize the governor to execute deeds of quit claim and release in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The governor of Wisconsin is hereby authorized, for and in behalf of the state, to execute and deliver proper deeds of quit claim and release to **Release—governor authorized to execute.**

the United States, of any lands which may have been or shall be erroneously conveyed or approved to the state of Wisconsin by the United States, and all claim and title of the state, acquired by such erroneous conveyance or approval to any such lands shall thereupon and thereby be released according to the tenor and effect of such deeds.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 12, 1878.

[No. 199, S.] [Published March 23, 1878.]

CHAPTER 148.

AN ACT to provide for the election of district attorney for Brown county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

District attorney — when elected.

SECTION 1. The next election of district attorney for Brown county shall be held on the day of the general election in November, 1879, and every two years thereafter an election shall be held for such office; except in case of a vacancy in said office, occurring by the death, resignation or inability of the incumbent, in which event the election for said office shall be held at the next general election in November after the occurrence of said vacancy.

Officer continued.

SECTION 2. The present incumbent shall hold said office of district attorney of Brown county for two years from the first day of January, 1878, and until his successor is elected and qualified, unless a vacancy shall occur as provided for in the first section of this act.

SECTION 3. This act shall be in force from and after its passage and publication.

Approved March 13, 1878.

[No. 159, S.] [Published March 15, 1878.]

CHAPTER 149.

AN ACT to amend an act entitled "an act to consolidate and amend the act to incorporate the city of Berlin, and the several acts amendatory thereof."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter four of chapter three hundred and six of the private and local laws of 1866, is hereby amended by adding thereto the following new section, to wit: Section 17. The city council is hereby authorized to enter into any contract or take any conveyance which they may deem expedient and for the general good, relative to any lands owned by Mary A. Harrington, adjoining the cemetery in said city, on the north; and after the execution of any such contract or conveyance, it shall be lawful for said city to use, or permit to be used, such land for cemetery purposes. The plat of any lands laid out for cemetery purposes in pursuance of the provisions of this section, after being duly acknowledged, shall be filed in the city clerk's office, and deeds of lots as numbered upon said plat, shall be sufficient. Such deeds shall specify the purpose for which the lots are to be used, and shall be recorded by the city clerk in a book kept by him for that purpose. His fees for recording such deeds shall be the same as allowed to registers of deeds; and the said records and copies thereof, duly certified by him, shall be received as evidence in all courts and places in like manner as the originals.

Amended.

Council authorized to enter into contract.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 13, 1878.

[No. 161, S.] [Published March 23, 1878.]

CHAPTER 150.

AN ACT to provide compensation for completing the transcribing of the journals of the senate and assembly.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated to Charles E. Bross, chief clerk of the senate, out of any money

Appropriation.

in the state treasury not otherwise appropriated, the sum of two hundred dollars for completing the transcribing of the senate journal of the present session.

Appropriation.

SECTION 2. There is hereby appropriated to J. R. Hunter, chief clerk of the assembly, out of any money in the state treasury not otherwise appropriated, the sum of two hundred and fifty dollars, for completing the transcribing of the assembly journal of the present session.

Warrants—when issued.

SECTION 3. The money hereby appropriated shall be paid by the state treasurer on the warrants of the secretary of state, which warrants shall be issued when the duties and labor herein provided for shall have been respectively performed.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 13, 1878.

[No. 435, A.] [Published March 23, 1878.]

CHAPTER 151.

AN ACT for the relief of Thomas B. Rogers, and to appropriate to him a certain sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation.

SECTION 1. There is hereby appropriated to Thomas B. Rogers, of Winnebago county, out of any money in the state treasury not otherwise appropriated, the sum of eight dollars and sixty-eight cents, in full for compensation for the said amount paid by him into the state treasury, December nineteen, eighteen hundred and seventy-seven, for license as a hawker and peddler, the said Thomas B. Rogers being at the time exempt from the payment of said license, he being engaged in the selling of farmers' produce only, by the provisions of chapter seventy-two of the general laws of eighteen hundred and seventy, as amended by chapter three hundred and ninety-five of the laws of Wisconsin for eighteen hundred and seventy-six, as amended by chapter two hundred and ninety-six of the laws of Wisconsin for eighteen hundred and seventy-seven.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved March 13, 1878.

[No. 116, A.] [Published March 23, 1878.]

CHAPTER 152.

AN ACT to appropriate to School District No. 8, of the town of Highland, Iowa county, a sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated to School District number eight (8), in the town of Highland, Iowa county, out of any money in the general fund not otherwise appropriated, the sum of one hundred and fourteen dollars and eighty cents. Appropriation.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 13, 1878.

[No. 94, A.] [Published March 23, 1878.]

CHAPTER 153.

AN ACT to amend section four of chapter one hundred and forty-six of the general laws of 1872, entitled "An act to authorize the organization of corporations for other than manufacturing, mercantile, insurance, banking, transportation or trading purposes."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section four of chapter one hundred and forty-six of the general laws of eighteen hundred and seventy-two is hereby amended so as to read as follows: Section 4. Any corporation organized under the provisions of this act, or existing or organized under any special charter or law of this state, for any of the purposes for which corporations may be formed or organized under this act, may at any time, by a vote of at least three-fifths of its members, alter or amend its charter or articles of association, by changing the name of the corporation, modifying or enlarging the purposes for which it was created, and increasing or diminishing the amount of property which it shall have a right to acquire and hold: *provided*, that such alterations or amendments shall be in writing, verified and recorded in the manner provided in section three of said act, and shall, in case of a corporation organized under a gen- Amended. Corporations may change charter.

eral law, be made pursuant to its articles of association, if they contain any provisions on the subject; and *provided, further*, that such alterations or amendments shall be made only at a meeting of the members specially called for that purpose, and that the charter or articles of association of any corporation, which provides that its trustees, directors or managing officers shall be elected by stockholders, shall be altered or amended only by the stockholders at a meeting of such stockholders, specially called for that purpose, at which votes on a majority of at least two-thirds of its stock shall be cast in favor of such alterations or amendments.

SECTION 2. This act shall be in force from and after its passage and publication.

Approved March 13, 1878.

[No. 326, A.] [Published March 20, 1878.]

CHAPTER 154.

AN ACT to amend section fifteen, chapter VI. of chapter one hundred and fifty-one of the laws of Wisconsin for 1873, and section seven of chapter two hundred and nineteen of the laws of Wisconsin for 1874, an act to amend chapter one hundred and fifty-one, laws of Wisconsin for 1874, entitled, "An act to incorporate the city of Neenah."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section fifteen of chapter VI. of chapter one hundred and fifty-one of the laws of Wisconsin for 1873, is hereby amended so as to read as follows: Section 15. The common council of the city of Neenah shall, on the first day of September, each year, on which day, or within twenty days thereafter, or at the same time as the general city tax is to be levied, determine and levy the amount of street, highway and bridge tax in said city, as an addition to the general fund for the ensuing year, for the purpose of repairing bridges and graveling streets and highways in said city of Neenah; which amount shall not be less than one nor more than four mills on the dollar upon all taxable property of said city, as the same shall appear upon the assessment roll of property in that year. *And it is further provided*, that all streets, alleys, highways, bridges and culverts within the city limits of Neenah shall be constructed,

Highway tax—when levied.

Streets, bridges etc., to be kept in repair by city.

repaired and maintained at the expense of the whole city, and paid out of the general fund. The aldermen of each ward shall have the special care and control of all streets, alleys, highways, bridges, culverts and sidewalks in their respective wards, and the common council shall, from time to time, appropriate from said general fund, such sums to be expended by the direction of the aldermen of each ward, as may be deemed necessary by the common council.

SECTION 2. Section seven, chapter two hundred and nineteen of the laws of Wisconsin for 1874, is hereby amended so as to read as follows: Every male inhabitant of the city of Neenah over twenty-one years of age, and under fifty years, except active members of the fire department in the city, and persons receiving pensions from the United States, paupers, idiots and lunatics, shall pay into the city treasury, annually, the sum of one dollar and twenty-five cents each as a poll tax. It shall be the duty of each of the assessors of the city of Neenah, during the month of May each year, to make out duplicate lists of all persons liable to pay said tax, and said assessors shall, on the first Monday of June, each year, deliver one of said duplicate lists to the city clerk, and one to the superintendent of streets of the city of Neenah. The superintendent of streets shall thereupon immediately proceed to collect the same; and all persons liable to pay such tax, who shall not have paid the same after demand, either personal or by written notice left at their usual place of abode, on or before the first day of August, shall be liable to and shall pay a penalty of two dollars, together with the costs of prosecution, to be prosecuted for by said superintendent of streets, in the name of the city of Neenah. The process in such case shall be by warrant, and in case judgment shall be rendered against the defendant in such action, and he shall refuse or neglect to pay such judgment, he shall be imprisoned in the county jail not to exceed ten days. The assessors shall also, at the time of assessing the annual taxes in each year after the year 1873, make out such duplicate lists of all persons liable to pay such tax as aforesaid, and deliver one of the said lists to the city clerk and one to the superintendent of streets, at the time he returns to the city clerk his assessment roll of real and personal property of the city of Neenah; and the superintendent of streets of said city shall proceed to collect the same in the same manner as hereinbefore in this section

Amended.

Poll tax.

Poll tax—how collected.

provided, and in case said taxes are not paid to said superintendent, he shall prosecute for them in the manner hereinbefore provided. The said assessors, in making such lists, shall designate the ward in which such person on said lists resides, and the superintendent of streets shall account for the tax of each ward of the city, with the amount thus collected from the inhabitants of such ward; and all money collected by said superintendent as above specified, shall be paid over to the city treasurer on or before the thirty-first day of August, each year. The mayor, city clerk and treasurer shall constitute a board to determine the liability of persons to pay such tax; and all persons claiming to be exempt from poll tax shall apply to said board within twenty days from the time when said lists shall be delivered to the superintendent of streets for collection. The superintendent of streets shall receive three per cent. on the dollar, as fees for collecting said poll tax: *provided*, that if any person shall desire to, he shall be permitted to perform ten hours' work upon the streets of the city, in the ward in which he resides, under the direction of said superintendent of streets, and at such time as he shall direct, within the month of July, in each year, and the certificate of the superintendent of streets that such person has performed one full day's labor upon a street or highway within the ward in which said person resides, shall be received by the city treasurer in full discharge of such poll tax. And it is further provided that said superintendent shall have power to add on said lists the names of all such persons by him known to be liable to pay said tax, that may have been omitted by said assessors.

Chief engineer—powers and duties of.

SECTION 3. The chief engineer of the fire department of the city shall, in all cases, have the exclusive control of the different fire companies of the city, their engines, steamers and fire apparatus, and also the direction and control thereof when called out on duty, subject only to the control of the common council; he shall see that the engines, steamers and apparatus of the fire department are kept in perfect order and readiness for immediate use, and cause all necessary repairs to be made, without letting the same by contract, and report the same to the common council for approval and allowance; he shall use his utmost endeavors in preventing and subduing fires, and controlling the firemen thereat. He shall perform such other and further duties as are prescribed in other provisions of this act, and by the ordinances of the common council.

SECTION 4. Whenever any person shall refuse to obey any lawful order of the chief engineer of the fire department, or assistant engineer, the mayor or aldermen, at any fire, it shall be lawful for the officer giving such order, to arrest, or to direct orally any policeman, constable, watchman, or any citizen, to arrest such person, or to confine such person or persons temporarily in any safe place until such fire shall be extinguished; and in the same manner such officers, or any of them, may arrest or direct the arrest or confinement of any person at such fire who shall be intoxicated or disorderly; and any such person who shall refuse to obey any such lawful order, or who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council may prescribe, not exceeding ten dollars. **Penalty for refusal to obey.**

SECTION 5. Section five of chapter VIII. of chapter one hundred and fifty-one of the laws of Wisconsin for 1873, is hereby amended and to read as follows: The several fire wardens of the city shall examine as to the construction of all chimneys, fire places, hearths, stoves, stove pipes, ovens, smokestacks, boilers and fire apparatus used in and about any building, and shall have power to prevent the improper construction thereof, and may cause them to be removed and placed in a safe and secure position. They shall prevent the depositing or keeping of ashes, or any combustible material, in any place except such as is safe; and they shall perform other and such further duties as may be ordered or prescribed by the common council. **Amended.** **Fire wardens.**

SECTION 6. Section six of chapter VIII. of chapter one hundred and fifty-one of the laws of Wisconsin for 1873, is hereby amended and to read as follows: **Amended.**

1. There shall be paid to the treasurer of the city of Neenah for the benefit of the fire department of the city, on or before the first day of February in each year, by every person who shall act in said city as agent for or on behalf of any individual or association, or association of individuals, whether incorporated by the laws of this state or by the laws of any other state, territory or country, to effect insurance against loss or injury by fire, the sum of two dollars upon each hundred dollars, and at that rate upon the amount of all premiums which, during the year or part of year ending on the next preceding first day of January, shall have been received by such agent or person or company, or by any other person or persons for him or it, or which shall have been agreed to be paid for any insurance effected or **Fee required of insurance agents.**

agreed to be effected or promised by him or such agent or otherwise, or by such company, against loss or injury by fire in said city of Neenah.

Bond required of agent.

2. No person shall in said city of Neenah, as the agent or otherwise for any individual or individuals, association or corporation, agree to effect or effect any insurance upon which the duty mentioned in the next preceding article is required to be paid, or as an agent or otherwise procure such insurance to be effected, unless he shall have first executed to said city of Neenah, and deposited with the clerk of said city a bond, to be approved by the mayor of said city, in the penal sum of one thousand dollars, with sureties thus approved by said mayor, conditioned that he will render to said clerk of the city on or before the first day of February the next succeeding year, a just and true account, verified by oath that the same is just and true, of all premiums which, during the year ending on the first day of January preceding such report, shall have been received by him or by any other person for him, or agreed to be paid for any insurance against loss or injury by fire in said city, which shall have been effected or promised by him, or agreed or promised by him to be effected for any individual, individuals, association or corporation, and that he will, on such first day of February, pay to the treasurer of said city of Neenah, for the use and benefit of the fire department, "two dollars" upon every hundred dollars, and at that rate upon the amount of all such premises.

Penalty for neglect of agent.

3. Each and every such agent shall file such bond with said city clerk annually, on the first secular day of January in each year: and any person who shall in said city effect, agree to effect, promise or procure any insurance specified in the preceding articles of this chapter without having given such bond, shall forfeit and pay to the city of Neenah for each offense, and for each insurance so effected or agreed, or promised to be effected, the sum of one hundred dollars; and such sum shall be recovered by said city in a civil action, and said city may maintain an action on such bond or against such agent, to recover all moneys required by section six of this chapter, to be paid into the city treasury.

Repealed.

SECTION 7. Sections fifteen, sixteen, seventeen, eighteen, nineteen, twenty and twenty-one, of chapter six of chapter one hundred and fifty-one of the laws of Wisconsin for 1873, and sections five and seven, chapter two hundred and nineteen of the laws of Wisconsin

for 1874, and all acts and parts and acts inconsistent or conflicting with the provisions of this act, are hereby repealed.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1878.

[No. 65, A.] [Published March 22, 1878.]

CHAPTER 155.

AN ACT to authorize the commissioners of school and university lands to loan a portion of the trust funds of the state to the county of Burnett, in this state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Commissioners to loan money.

SECTION 1. The commissioners of school and university lands are hereby authorized to loan a portion of the trust funds of this state, not exceeding twenty thousand dollars, to the county board of supervisors of the county of Burnett, in this state, and the said board of supervisors is hereby authorized to borrow a sum not exceeding the amount above named of said commissioners, and to issue certificates of the indebtedness so contracted; said indebtedness shall bear interest at the rate of seven per centum per annum, and said interest, together with one-fifteenth of the principal, shall be paid annually, until the whole of the same is paid.

When payable.

Secretary of state to apportion amount due in apportioning state tax.

SECTION 2. Each and every year, until the whole loan be so paid, the secretary of state shall, when he apportions the state taxes among the several counties of this state, add to the state tax of Burnett county the annual interest due the state on said loan, together with one-fifteenth of the principal sum so loaned, and the said sum so added as aforesaid, shall be levied and collected out of the taxable property of said county and paid over to the state in the same way as other state taxes are collected and paid.

Board of supervisors to levy tax.

SECTION 3. At the time and in the manner provided for levying taxes for state and county purposes, the board of supervisors of said county of Burnett shall each and every year, after the date of said loan, levy the amount of money required for the payment of the annual interest on said loan, together with one-fifteenth of the principal sum so loaned by the said commis-

sioners of school and university lands to the said county of Burnett, as provided for in the preceding sections of this act.

Supervisors to file acceptance.

SECTION 4. Before any of said funds shall be delivered to the said county board of Burnett county, it shall file with the secretary of state an acceptance of the provisions of this act, and of the terms and limitations herein provided for and prescribed.

Loan to be authorized by vote of people.

SECTION 5. The said loan hereinbefore mentioned is to be made to the said board of supervisors for the purpose of constructing a narrow gauge railroad, and the said board of supervisors is authorized to make the said loan only on the following conditions: The route of raid road shall be first surveyed, located and established; second, a majority of the legal voters of the said county, at a general or special election held therein, or at any general or special town meeting held in the various towns of said county, shall first vote in favor of said loan and determine the amount thereof; ten days' notice of the submission of the said question shall be given by the sheriff of said county by posting in each town in the county in four public places a written or printed notice, stating that a submission of the question of loan will be had; the vote shall, upon such proposition, be by ballot written or printed in words as follows, to-wit: "for loan" or "against loan." Such ballots shall be deposited in a separate box provided for that purpose by the inspectors of the election, and such ballots shall be considered as the votes of the legal voters upon such question, and shall be counted, canvassed and returned to the proper officers as in other elections, and as provided under the election laws of the state applicable thereto.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1878.

[No. 97, A.] [Published March 23, 1878.]

CHAPTER 156.

AN ACT to amend chapter one hundred and seven of the laws of Wisconsin for 1877, relating to ward officers of the city of Watertown, and amendatory of an act entitled "an act to incorporate the city of Watertown, and the several acts amendatory thereof."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Sections one and two of chapter one hundred and seven of the laws of Wisconsin for 1877, are hereby amended so as to read as follows: "Section 1. On the first Tuesday of April next, and annually thereafter, there shall be elected by the qualified electors of each ward of said city of Watertown, two aldermen, whose term of service shall be for one year, and until their successors are elected and qualified; but each one of said aldermen shall have the right to resign in the manner provided in chapter sixty-one of the private laws of 1867, and upon filing his resignation, shall cease to be an alderman. One of said aldermen in each ward shall be denominated senior alderman, and shall be so designated on the ballots. The said aldermen shall each be entitled to seats in the common council of said city, and the senior aldermen so elected shall form a board of street commissioners, and shall have and exercise all the powers now conferred by law on said board, except so far as limited and controlled by this act.

Senior aldermen to form board of street commissioners.

Roadmaster—how appointed.

SECTION 2. In each ward of said city, at the annual election to be holden on the first Tuesday of April next, and annually thereafter, there shall be elected by the qualified electors of each ward, one supervisor, who, together with the senior alderman, shall appoint one road master, who shall be subject to removal at the pleasure of the said alderman and supervisor. Said supervisor shall be entitled to a seat in the county board of supervisors, and in case of any vacancy in said office, or inability from any cause to attend said county board, then the senior alderman of said ward shall represent said ward in the county board of supervisors. The roadmaster shall, under the direction of the ward board (hereafter provided), superintend all work in his respective ward, and shall be entitled to receive not exceeding one dollar and twenty-five cents per day for his services during the time

Supervisor to have seat on county board.

actually employed, to be ascertained and audited by the ward committee.

SECTION 3. This act shall take effect from and after its passage and publication.

Approved March 13, 1878.

[No. 344, A.] [Published March 19, 1878.]

CHAPTER 157.

AN ACT to amend chapter one hundred and twenty-seven of the laws of 1874, entitled "An act to incorporate the city of Menasha," and the several acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

Improvement of streets.

SECTION 1. Section two of chapter eight of said chapter one hundred and twenty-seven is hereby amended so as to read as follows: "The common council shall have power and authority, by a majority vote, to order any street or alley to be graded, graveled, planked, improved or paved, at the expense of the lots fronting on such street or alley, upon the petition of the owners of a majority of the frontage of the lots fronting or abutting upon such part or parts of any such street or alley, which it is proposed to improve at the expense of such lots, or it may order said improvement without said petition, upon an affimative vote of three-fourths of all its members.

Amendment.

SECTION 2. Section three of chapter eight of said chapter one hundred and twenty-seven is hereby amended by striking out all after the word "charge," in the sixth line of said section.

Amended.

Improvement at expense of lots.

SECTION 3. Section four of said chapter eight is hereby amended so as to read as follows: When any such improvement shall be made at the expense of the lots, as provided by sections one, two and three of this chapter, the following shall be substantially the mode of proceedings:

Plan and specification.

First. The street committee to be appointed by the mayor or the common council, as the council may determine, from the aldermen, to consist of three members, shall file in the city clerk's office, or cause to be entered in a record book in said office a plan and specification of the work to be done, which need not be more specific than is necessary to inform parties interested of the work to be done.

Second. By personally serving upon the owner or owners of such lots, if residents of said city, or in lieu thereof, publishing in the official paper of said city, if there be one, if not then in some other newspaper published in said city, or posting up in five of the most public places in said city, at least one week before such work is required to be done or improvement made, a notice signed by the clerk officially, requiring the owner or owners of such lots to do such work or make such improvements as per such plans and specifications by a day certain therein to be named, and may also insert in the same notice that on a day therein to be named, to be not less than six days from the last date, that the street committee will let the contract to do all such work or make such improvements as shall not have been done or made as so required or ordered, and that sealed proposals will be received accordingly. Such notice served and published need not specify the lots or blocks or land by numbers, figures or letters, but may specify that all the lots or parts of lots, parcels or strips of land fronting or abutting on such street or alley, upon a particular side thereof, between certain points. The street committee may reject any bid if they think it is not for the interest of the city and parties interested. If no satisfactory bid or bids are received to do such work or make such improvements, then the street committee may contract with some person to do the whole or any part thereof, or said committee for the city may do such work, in whole or in part, all the cost and expense thereof being chargeable to such lots and lands as aforesaid, and as herein provided. In letting any such work or improvement, different kinds of work may be let to different persons, or the materials required may be let separately from the work.

Notice to owner

Street committee to let contract.

SECTION 4. Section seven of said chapter eight, is hereby amended so as to read as follows: When work is done or improvement made which under this chapter is chargeable to lots as aforesaid, the street committee shall give to the contractor or person doing or performing the same, or his assigns, a certificate, countersigned by the clerk, for the amount due him, and containing a description of the land to which the same is chargeable, which certificate shall be transferable by endorsement, and shall draw interest at the rate of fifteen per cent. per annum from date of issue (provided the same is not paid within twenty days from date) until the same is inserted in the tax roll as hereinafter provided. And if the amount thereof and interest

Amended.

Certificates issued for work.

shall not be paid before the clerk makes out the annual tax roll, next after the date of its issue, the clerk shall insert and assess the amount thereof with interest as aforesaid to the time of its being so inserted in the tax roll, upon and against the lot or parcel of land described therein in such tax roll and as a part of the tax against such lot, and the same shall be collected as other taxes and assessments are collected, for the benefit of the holders of such certificate; and when any such work is done or improvement made by the street committee for the city, which shall be a lien or charge upon any lot, said committee may make a statement or statements, and file the same with the city clerk of the amount or amounts due to the city for doing any such work or making any such improvements and the amount chargeable to each lot, which amount the clerk shall insert and add to the tax chargeable to such lot in the annual tax roll issued next after filing of such statement, and the same shall be a lien thereon and collectable as other taxes are collected.

Amended.

SECTION 5. Said chapter eight of chapter one hundred and twenty-seven is hereby further amended by adding this and the two following sections thereto:

Sidewalks to be kept in repair, etc.

All sidewalks shall be kept in repair, and clear and free from all obstructions, at the expense of the lots adjoining or abutting thereon, and of the owner or owners thereof, and in case the owner or occupant shall fail to keep such sidewalk in repair and free and clear as aforesaid, the street committee shall serve a written notice upon the owner or occupant of the lot adjacent to which such defective sidewalk shall be, if a resident of said city, to immediately repair the same, and if the owner or occupant fails to repair the same forthwith, then, in that case, the same shall be repaired by the street committee at the expense of the lot adjoining said defective sidewalk: *provided, however*, that no sidewalk shall be so repaired at the expense of the lot when the cost of such repairs shall exceed one-half of the cost of a new sidewalk of the kind in front of such lot, except in the same manner as required for the building of a new sidewalk. Service of such written notice to the owner to repair such sidewalk at the residence of the owner or occupant of such lot, upon a member of his family of suitable age and discretion, or with the agent of the owner, shall be deemed service upon such owner or occupant, and in case the owner is not a resident of said city, or his residence is unknown, and such owner has no agent in said city known to the said

committee, then, and in that case, it shall be the duty of the street committee to forthwith repair the same, without notice to the owner of the adjoining lot, at the expense of such lot as herein provided. All repairs to sidewalks by the owner shall be done to the satisfaction of the street committee, and the same proceedings shall be had in collecting taxes for repairs to sidewalks as in building new sidewalks, so far as the same can be made applicable.

Directory.

SECTION 6. All the provisions of this chapter shall be regarded as directory, except the provision of giving notice as aforesaid; and if such notice is given as herein required, no informality, or irregularity, or error in the proceedings shall vitiate such assessment or taxes.

Contracts to be made in name of city.

SECTION 7. Anything required to be done under any of the provisions of chapter eight of said chapter one hundred and twenty-seven, by the common council, may be by order, resolution or ordinance. All written contracts to be made under said chapter eight shall be executed in the name of the "city of Menasha," and signed by the street committee, or a majority of said committee, of one part, and the contractor of the other part. All verbal contracts to be executed in like manner in the name of the city.

Amended.

Poll tax.

SECTION 8. Section nine of said chapter eight is hereby amended so as to read as follows: Every male inhabitant of the city of Menasha over twenty-one years of age and under fifty, except active members of the fire department, not exceeding fifty to each engine company and twenty-five to each hook and ladder company, and disabled soldiers who served in the late war, shall be assessed to pay a poll-tax of one dollar. Said taxes may be paid to the superintendent of streets in cash, or commuted for in labor. It shall be the duty of the assessors of the city of Menasha to make out, during the month of May in each year, lists of persons liable to pay such poll tax as aforesaid. Such lists shall be made out by wards, subscribed by said assessors and delivered by them to the city clerk on or before the first Monday in June in each year; said clerk shall file the same in his office, and as soon as may be shall make duplicates thereof and annex to said duplicates a warrant to be signed by him and the mayor of said city, which may be in substance as follows:

To ——— ———, superintendent of streets of the city of Menasha. You are hereby required to collect from the several persons named in the annexed tax list, the

taxes set opposite such persons, within the time limited by law, or by ordinance or resolution of the common council of the city of Menasha and apply the taxes by you collected, and make due returns as prescribed by the charter of the city of Menasha, or ordinance or resolution of the common council of said city.

Dated —— day of —— 18 ——

—— —— Mayor.

—— —— City Clerk.

Amendment.

SECTION 9. Chapter eight of said chapter one hundred and twenty-seven is hereby further amended by adding thereto the following sections, which shall stand for sections ten, eleven, twelve, and thirteen in said chapter eight.

List to be corrected.

SECTION 10. The names of persons left out of any such lists and who ought to have been included therein, and of new inhabitants who have not in the same year been assessed in some other place for a poll tax, and paid the same, shall be from time to time added to the several lists and assessed by said superintendent of streets on their polls as others are assessed, subject to appeal to the common council.

May pay tax in work.

SECTION 11. It shall be the duty of said superintendent to give at least three days' notice to all persons on his lists, assessed to pay a poll tax therein, either personal or in writing, left at their usual place of abode, of the time when, and place where, they may appear and pay their poll tax in labor. And all persons assessed to pay said poll tax may appear at such time and place, and work in person or by an able bodied substitute, and every person who shall, upon the notice given him by said superintendent, appear and work one full day of ten hours, either in person or by substitute, as aforesaid, according to the directions of said superintendent, shall be credited by said superintendent with payment in full of his poll tax. And every person assessed to pay poll tax who shall not appear, and work pursuant to said notice, given him by said superintendent, shall not be entitled to pay said poll tax in labor, but shall pay the same in money.

Shall collect tax.

SECTION 12. Whenever any person shall become liable to pay his poll tax in money, as herein prescribed, it shall be the duty of the street superintendent to call upon the person taxed once, or at the place of his residence, if in said city, and demand payment of the tax charged to such person, and if said tax shall not be paid upon said demand being made, the said superintendent shall collect the same, and he shall have the same

powers and proceed to collect the said taxes in the same manner, and be entitled to the same costs and fees in the collection of said taxes, as in the collection of general taxes by the treasurer of said city, and in case he shall be unable to collect any portion of said taxes by the first Monday in November in each year, he shall on that day make out and deliver to the city clerk of said city, a list of all such unpaid taxes, containing the names of all persons who have not paid their taxes, and the amount so unpaid, which list shall be sworn to by said superintendent before some officer authorized to administer oaths, by which day said superintendent shall make and file in the office of the city clerk, a detailed statement of his doings by virtue of and under said tax list and warrant.

Poll tax—how expended.

SECTION 13. Upon the receipt of said list, the city clerk shall at the time of making out the general annual tax roll of said city for that year, place in a separate column in said roll, the amount of such delinquent tax, against the name of the proper person, which shall be collected in the same manner as general taxes are collected. All poll taxes collected shall be expended on the streets in the wards where collected, in the manner in this act provided.

Amended.

SECTION 14. Section forty-two of chapter thirteen of said chapter one hundred and twenty-seven, is hereby amended so as to read as follows: The common council shall annually elect at its first regular meeting, or as soon thereafter as may be, one superintendent of streets, who shall hold his office for one year, unless sooner removed; and the common council shall have power to fill, from time to time, any vacancy that may exist in said office. The said superintendent of streets shall, before entering upon the duties of his office, execute to the city a bond in such sum as the council may determine, with sufficient sureties, to be approved by the council, conditioned for the faithful performance of the duties of his office, and for such other duties as may be required of him by the council, and for the proper expenditure of all money which may be collected by him or come into his hands by virtue of his office. He shall superintend all repairs and improvements of streets, alleys, lanes, public grounds, wells, reservoirs, gutters, sewers and sidewalks, under the general direction of the street committee, except as herein otherwise provided, and perform such other duties as the common council may prescribe. He shall expend the poll tax and all moneys realized from the same, in each ward,

Superintendent of streets—his duties.

at such places and in such manner in each ward, as the aldermen in the several wards shall direct. He shall, on or before the first Monday in March, in each year, and at such other times as the council may require, report to the council in writing under oath, a true and correct statement of all moneys received by him by virtue of this act, and from whom received, and how and when and where expended, and all work done under and by virtue of his office. And the council may at any time remove him from office, for neglect of duty, or official misconduct, and appoint another man in his place. The superintendent of streets, shall receive for his services, for each day actually and necessarily occupied by him in the discharge of his duties, such sum as the council may determine, not exceeding two dollars per day.

Records to be kept.

SECTION 15. There may be kept in the city clerk's office a book or books wherein may be entered by the clerk or street committee, all orders, entries or proceedings required to be done or had, under any of the provisions of chapter eight of said chapter one hundred and twenty-seven, or any other matter appertaining thereto, and there may be entered in such book or books any fact or item appertaining to such proceedings, and as to the service or publication of any notice required by law to be served, given or published, and that any act was done by the street committee or clerk, in making any improvement, and that a notice was served, given or published, as required by law, to carry out any order or requirement on the part of the street committee or clerk, without stating the contents of such notice; and in addition thereto may be entered that duepro of of the service or publication of any notice has been made and filed in his office, all of which shall be admitted in evidence, in all courts the same as the original would be entitled to be, and such book or books, or any of them, shall be received and admitted in evidence in all courts, in any proceedings whatever, and shall be *prima facie* evidence and p oof of all entries, memorandum, facts, items, and matters and things therein contained, and the said orders and proceedings shall be received in evidence in like manner and with like effect.

Evidence.

SECTION 16. Any and all certificates made by the street committee of any act done or notice given, served or published, under the provisions of said chapter eight, shall be received and admitted in evidence in all courts of this state, and shall be *prima facie* evidence of all the

facts therein contained, and that such acts were done and proceedings had, and such notice served or published as therein certified to. And all proceedings had under the provisions of said chapter eight, or attempted to be had under the same, shall in all courts be deemed, presumed and taken to have been regular, and it shall be taken and presumed that all the provisions of said chapter were complied with until the contrary is shown.

Orders to be issued to redeem certificates.

SECTION 17. All certificates issued by the street committee, under the provisions of said chapter eight, for work or improvements, if not paid by the owner of the lot described therein, on or before the time when the city clerk shall make out the annual tax roll of the city for that year, may be returned by the holder of said certificate, to the city clerk, and said clerk shall issue to him a city order for the amount named in said certificate, which order shall be received by the holder of said certificate instead of the certificate, or the said holder may retain said certificate until the amount of said tax shall be collected from the owner, in which case he shall receive the whole amount collected.

Auditing board—how created.

SECTION 18. The mayor of the city of Menasha shall annually appoint one alderman from each ward of said city, to constitute a member of a committee to be known as the "auditing board." And said mayor shall in case of any vacancy in said board have power at any time to fill such vacancy by appointment, provided that the aldermen so appointed shall have been elected from the same ward as the member whose place he is appointed to fill. The mayor shall constitute a member of said board, and may preside over the same. Said board may elect a chairman to preside in the absence of said mayor. The city clerk shall act as the clerk of said board, and shall keep a record of its proceedings.

Duties of auditing board.

SECTION 19. Whenever, for any reason, vacancies shall occur in the common council so there are not enough aldermen to constitute a quorum for the transaction of business, the said auditing board shall be empowered to audit and allow accounts against said city for the current expenses thereof; and when allowed, orders shall be drawn on the treasurer therefor to be signed and paid in the manner and form as now provided in case of city orders: *provided*, that it shall require the affirmative votes of three (3) members of said board to pass any measure involving an expenditure of any money. Said board is also authorized to canvass the returns of all votes cast at any election when

a canvass is now required by law of the common council, and shall determine and declare the result of such election, and in case of the election of city or ward officers, the city clerk shall issue certificates of election to the persons so declared by said board to have been elected; said board shall also have all the powers conferred by law upon the common council of said city in relation to the police, fire department, nuisances, pauper affairs, streets, bridges, excise and the public health; and a majority of said board may compel the attendance of absent members, and may have the same powers as the common council to order a special election for city and ward officers.

Power limited.

SECTION 20. Said auditing board shall have none of the powers hereinabove enumerated at any time when there is a quorum of the common council in existence.

Not to levy tax.

SECTION 21. Said auditing board shall have no power to levy any tax for any purpose whatever.

Judgments—how satisfied.

SECTION 22. Whenever a final judgment shall be rendered against said city of Menasha it shall be the duty of the common council, upon proof by a certified copy of such judgment being filed with the city clerk, and before the next tax roll is completed, to levy a tax upon the real and personal property of said city for the amount of said judgment with interest, and to cause such amount to be placed in said next tax roll for the collection of city taxes, in a separate column; and such tax shall be collected in the same manner as other taxes: *provided*, that no such tax to pay any judgment shall be levied or placed in the tax roll except by a vote of the common council of said city of Menasha.

Repealed.

SECTION 23. Anything contained in said chapter one hundred and twenty-seven of the laws of Wisconsin for 1874, or in any act amendatory of said chapter, inconsistent or conflicting with the foregoing amendments, are hereby repealed.

SECTION 24. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1878.

[No. 175, A.] [Published March 18, 1878.]

CHAPTER 158.

AN ACT to incorporate the city of Two Rivers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

CHAPTER 1.

SECTION 1. From and after the first Tuesday of April next, the district of country in the county of Manitowoc, contained within the limits and boundaries hereinafter described, shall be a city by the name of the city of Two Rivers, and the people now inhabiting, and those who shall hereafter inhabit the district of country herein described, shall be a municipal corporation by the name of the city of Two Rivers, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto, shall possess the powers herein specially granted, and the authorities thereof shall have perpetual succession; shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure. Incorporated.

SECTION 2. The territory lying in the county of Manitowoc, and being all of section one in township nineteen (19) north, of range twenty-four (24) east, all of the south half of section thirty-six (36), in township twenty (20) north, of range twenty-four (24) east, and the west half of the southwest quarter of section thirty-one (31), in township twenty (20) north, of range twenty-five (25) east, shall comprise the territory and limits of the city of Two Rivers. Boundaries.

SECTION 3. The city shall be divided into three wards, as follows: The First ward shall be all that portion of said city embraced within the limits of said city, lying east of Jefferson street and north of the West river, extending on the present line of said Jefferson street to the north boundary of said city. The second ward shall be all that portion of said city embraced within the limits of said city lying north of said West river and between said West river and the said Jefferson street, extending as aforesaid to the north boundary of said city. The Third ward shall be all that portion of said city embraced within the limits of said city, lying Ward boundaries.

west and south of said West river, but the common council shall have power to change said lines of division as they may deem convenient and proper.

Corporate authority.

SECTION 4. The corporate authority of said city shall be vested in one principal officer styled the mayor; in one board of aldermen, consisting of two members from each ward, who, with the mayor, shall be denominated the common council, and in such other officers as are hereinafter provided for, or may be created under this act.

CHAPTER II.

ELECTIONS.

Elections.

SECTION 1. The annual elections for ward and city officers shall be held on the first Tuesday in April of each year, at such place in each ward as the common council shall designate. Ten days' notice shall be given of the time and place of holding such election, and of the officers to be elected, by publication in the official paper. All elections under this charter shall be conducted in the same manner as the general elections for state and county officers, and the qualifications of voters shall be the same as at such general elections. Each ward officer shall be a qualified elector in the ward in which he is elected, and each city officer shall be a qualified elector in the city.

Officers—their terms.

SECTION 2. The officers to be elected by the people shall be a mayor, treasurer, assessor, and two aldermen, one of which shall be designated as supervisor, and shall be entitled to represent his ward in the county board of supervisors, one constable and one justice of the peace for each ward. All other necessary officers shall be appointed by the common council. All elective officers, except justices of the peace, shall unless elected to fill a vacancy, hold their respective offices for one year, and until their successors are elected and qualified: *provided, however*, the council shall have power, for due cause, satisfactory to them, to expel any of their own number, and to remove from office any officer or agent of the city, except justices of the peace, due notice and an opportunity for a hearing having been first given to the officer proposed to be removed. Justices of the peace shall hold their offices for two years, and until their successors are elected and qualified. The term of every officer elected under this act shall commence on the second Tuesday in April of the year for which such officer is elected, and the term of

office of all appointed officers shall expire with that of the members of the body appointing them

SECTION 3. Whenever a vacancy shall occur in the office of mayor or justice of the peace, the council may order a new election, and shall give five days notice thereof. Vacancies in other offices shall be filled by the council. The person elected or appointed to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term, with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill. Vacancies—how filled.

SECTION 4. In all elections by the people, a plurality of votes shall constitute an election. In case two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by casting of lots in the presence of the council, at such time and in such manner as they may direct. Elections—how determined.

SECTION 5. Whenever any officer shall cease to possess the qualifications necessary for his election, his office shall be deemed vacant; and any officer who shall neglect or refuse to qualify within ten days from the time he shall be notified of his election shall be deemed to have vacated his said office. What constitutes a vacancy.

SECTION 6. Whenever an election shall be held under this charter, the inspectors of election shall forthwith make their returns, stating the number of votes cast for each person, for each and every office, to the city clerk. Within one week after an election, the council shall meet and canvass said returns, and declare the result as it shall appear from the same. The clerk shall thereupon immediately give notice to the persons elected of their election. Returns to be made forthwith

CHAPTER III.

OFFICERS AND THEIR POWERS.

SECTION 1. Every person elected or appointed to any office under this act, except justice of the peace, shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officer taking the same, with the clerk of the city; and the clerk, marshal, constables, and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Two Rivers a bond, with at least two sureties, who shall swear that they are each worth the penalty specified in Oath of office. Bond.

said bond, over and above all debts, exemptions or liabilities, and said bond shall contain such penal sum and such conditions as the common council may deem proper. The treasurer, before entering upon his duties, shall, also, execute a bond, with at least two nor more than ten sureties. The penal sum expressed in such bond shall exceed the amount of the last annual tax roll, and each surety shall swear that he is worth a certain amount over and above all debts, liabilities or exemptions, and the aggregate of such amounts shall at least exceed the penal sum specified in the bond. The council may, from time to time, require new or additional bonds from the treasurer or other officer of the city, and the council may remove from office any officer refusing or neglecting to give the same. Justices of the peace shall qualify in the same manner as in towns, except that their bonds shall be approved by the common council.

Mayor—his powers and duties.

SECTION 2. The mayor shall, when present, preside over the meetings of the common council. He shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties. He shall, from time to time, give the common council such information and recommend such measures as he may deem advantageous to the city. The mayor shall be chief executive officer and head of the police of the city; and in case of a riot or other disturbance he may appoint as many special or temporary constables as he may deem necessary. He shall have the authority to remove the marshal for inefficiency or neglect of duty, and to appoint a marshal in place of the one he may remove, but the term of office of a marshal who may be appointed by the mayor shall not commence until his nomination has been approved by a majority of the common council. The mayor shall have a vote in the council only in case of a tie. When the council shall be engaged in the election of any officer, the mayor shall have a vote the same as an alderman.

President—his powers and duties.

SECTION 3. At the first meeting of the common council after their election in each year, they shall proceed to elect by ballot one of their number president, and in the absence of the mayor, the said president shall preside over the meetings of the common council; and during the absence of the mayor from the city, or his inability for any reason, to discharge the duties of his office, the said president shall exercise

all the powers and discharge all the duties of the mayor. In case both the mayor and president shall be absent at any meeting of the common council, they shall proceed to elect a temporary presiding officer, who, for the time being, shall discharge all the duties of the mayor. The president or temporary presiding officer, while presiding over the board or performing the duties of mayor, shall be styled acting mayor, and any acts performed by them shall have the same force and validity as if performed by the mayor. But the president of the council, as acting mayor, shall sign no order, warrant or other proceeding whatever, which the mayor has refused to sign and communicated such refusal to the council.

Clerk—his powers and duties.

SECTION 4. The clerk shall keep the corporate seal and all papers and records of the city, and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend; and copies of all papers filed in his office, and transcripts from the records of the common council, certified by him under the corporate seal, shall be evidence in all courts in like manner as if the originals were produced; he shall draw and countersign all orders on the treasury, in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof in books provided for that purpose. Whenever the clerk shall be absent from any meeting, the common council may appoint a clerk *pro tem.* The city clerk shall have power and authority to administer oaths and affirmations, and may appoint a deputy in writing, under his hand, and file such appointment in his office, and such deputy, in case of absence or disability of the clerk, shall act in his place.

Treasurer—his powers and duties.

SECTION 5. The treasurer shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances of said city or the laws of this state. He shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, together with an account of all disbursements, in such manner as the common council shall direct. He shall report to the common council as often as required, and annually, at least ten days before the annual election, a full and detailed account of all receipts and expenditures since the date of the last annual report; and also of the state of the treasury, which statement shall be filed with the clerk. The city treasurer shall be collector of taxes in said city, and in addition thereto the powers and duties already specified, shall

have the same powers and duties, and be subject to the same liabilities as treasurers in towns. No person having been city treasurer for two years in succession, shall be eligible to a re-election until one year shall have elapsed, nor shall any person who has been city treasurer be appointed deputy treasurer for the term immediately succeeding his term of office.

Marshal—his powers and duties.

SECTION 6. The marshal shall possess all the powers of a constable in towns, and be subject to the same liabilities. It shall be his duty to execute and return all writs and process to him directed by any justice of the peace, and when necessary, in criminal cases, or for the violation of any ordinance of said city or laws of this state, may pursue and serve the same in any part of the state of Wisconsin. It shall be his duty to suppress all riots, disturbances and breaches of the peace, to apprehend any person in the act of committing any offense against any ordinance of said city or of this state, and forthwith bring such person before competent authority for examination; and for such service, he shall receive such fees as are allowed to constables for like service. He shall do and perform all such duties as may lawfully be enjoined on him by the ordinances of said city. He shall have power to appoint one or more deputies, to be approved by the city council, but for whose official acts he shall be responsible, and of whom he may require a bond for the faithful discharge of their duties.

Other duties may be required.

SECTION 7. The common council shall have power, from time to time, to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, and fix the compensation of all officers appointed by them, where the compensation is not fixed by the statute or this charter. The council shall, at least ten days before the annual charter election in each year, fix, by resolution, the salary which shall be paid to the clerk, marshal and assessor for the ensuing year, and such salary shall not be increased or diminished during the term of the officer elected, neither shall extra compensation be granted, except by unanimous vote of the council, which vote shall be approved by the mayor.

Official paper.

SECTION 8. The council, at their first meeting after their election, or as soon thereafter as practicable, shall designate a newspaper printed in the county of Manitowoc, in which shall be published all ordinances and

other matters required by this act or the by-laws or ordinances of the city to be published in a newspaper.

SECTION 9. The city printer or printers, immediately after the publication of any notice, ordinance or resolution which by this act is required to be published, shall file with the clerk of the city a copy of such publication, with his or their affidavit, or the affidavit of his or their foreman, of the length of time the same has been published; and such affidavit shall be conclusive evidence of the publication of such notice, ordinance or resolution, as stated in such affidavit. **Affidavit of publication.**

SECTION 10. If any person having been an officer in said city, shall not within ten days after notification and request deliver to his successor in office all property, books, papers and effects of every description in his possession belonging to said city or pertaining to the office he may have held, he shall forfeit and pay to the use of the city one hundred dollars, besides all damages caused by his neglect or refusal so to deliver; and such successor may recover possession of such books, papers and effects in the manner prescribed by the laws of this state. **Penalty for withholding books, etc.**

SECTION 11. No alderman shall be a party to, or interested in any job or contract with the city; and any contract in which any alderman may be so interested shall be null and void; and in case any money shall have been paid on any such contract, the common council may sue for and recover the amount so paid from the parties to such contract, and the aldeman interested in the same, or either or any one of them. **Aldermen not to be interested in contracts.**

SECTION 12. The mayor, or acting mayor, sheriff of Manitowoc county, and each and every alderman, justice of the peace, marshal, constable and watchman, shall be officers of the peace, and may command the peace, and suppress in a summary manner, all rioting and disorderly behavior within the limits of the city, and for such purposes may command the assistance of all bystanders, and if need be, of all citizens and military companies; and if any person, bystander or military officer or private shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of fifty dollars, and in cases where the civil power may be required to suppress riotous or disorderly behavior, the superior or senior officer present, in the order above mentioned in this section, shall direct the proceedings. **Officers of the peace.**

SECTION 13. The common council may elect a city surveyor, who shall be a practical surveyor and en- **Surveyor—his duties to be prescribed.**

or vinous liquors, unless duly licensed by the common council.

Riots, etc.

3d. To prevent any riot, noise, disturbance or disorderly assemblages; to suppress and restrain disorderly houses or groceries and houses of ill fame, and to authorize the destruction of all instruments used for the purpose of gaming.

Nauseous places.

4th. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome, nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

Slaughter-houses and combustible materials.

5th. To direct the location and management of slaughter houses and markets, and to regulate the storage, sale, keeping and conveying of gunpowder or other combustible materials.

Encumbering of sidewalks.

6th. To prevent the encumbering of the streets, sidewalks, lanes or alleys, with carriages, carts, wagons, sleighs, boxes, lumber, firewood, or any other material or substance whatever.

Fast driving and swimming.

7th. To prevent horse racing, immoderate riding or driving in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city.

Running at large of animals

8th. To restrain and regulate the running at large of cattle, swine, sheep, poultry and geese, and to authorize the distraining and sale of the same.

Dogs.

9th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinances.

Putrid carcasses, etc.

10th. To prevent any person from bringing, depositing, or having, within the limits of said city any putrid carcass or other unwholesome substance, and to require the removal of the same by the owner thereof, or by the person who shall have upon his premises, any such substance, or putrid or unsound beef, pork, fish, hides or skins of any kind, and on default, to authorize the removal thereof by some competent officer at the expense of such person or persons.

Hacks, drays, etc.

11th. To regulate and license hacks, cabs, drays, carts and the charges of hackmen, cabmen, draymen and cartmen in the city.

Board of health and cemeteries.

12th. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead and the return of bills of mortality, and to exempt burial grounds set apart for public use from taxation.

13th. To regulate the assize and weight of bread and to provide for the seizure and forfeiture of bread baked contrary thereto. **Bread.**

14th. To prevent all persons riding or driving any horses, ox, mule, cattle or other animal on the sidewalks in said city, or in any way doing any damage to such sidewalks. **Sidewalks.**

15th. To prevent the shooting of firearms or crackers, and to prevent the exhibition of any fireworks in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to any citizen thereof. **Fireworks.**

16th. To restrain drunkards, immoderate drinking or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same. **Drunkards, etc.**

17th. To restrain and regulate runners and solicitors for boats, vessels, stages, public houses, or other establishments, and to regulate the police of the city. **Runners and police.**

18th. To establish public markets, and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets; and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations. **Public markets.**

19th. To license and regulate butchers' stalls, shops and stands for the sale of game, poultry, butchers' meat, butter, fish and other provisions. **Butchers' stalls etc.**

20th. To regulate the place and manner of the weighing and selling of fuel, hay and lime, and to appoint suitable persons to superintend and conduct the same. **Weighing and selling.**

21st. To compel the owners or occupants of buildings or grounds to remove snow, dirt or rubbish from the sidewalk, street or alley, opposite thereto; and to compel such owners or occupants to remove from the lot owned or occupied by them, all such substances as the board of health shall direct, and on their default, to authorize the removal or distruction thereof by some officer of the city at the expense of such owners or occupants. **Sidewalk obstructions.**

22d. To regulate, control and prevent the landing of persons from boats, vessels, cars or stages wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city. **Public landing.**

23d. To license auctioneers and transient dealers, and to regulate the time, place and manner of holding **Auctioneers.**

public auctions or vendues, and to require the payment into the city treasury of a certain percentage of amounts received from sales by auctioneers and transient dealers.

Watchmen.

24th. To appoint watchmen and prescribe their duties.

Ordinances—how passed.

SECTION 4. All ordinances shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor, and shall be published once a week for three successive weeks in the newspaper selected by the council, printed in Manitowoc county, before the same shall be in force; and within fifteen days thereafter, they shall be recorded by the city clerk, in books to be provided for that purpose; but before the said ordinances, shall be recorded, the publication thereof respectively within the said time shall be proved by the affidavit of the foreman or publisher of such newspaper, and the said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication.

What constitutes nuisance.

SECTION 5. The power conferred upon the said council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceeding according to law. Gambling houses, houses of ill-fame, disorderly taverns and houses or places where spirituous, vinous or fermented liquors are sold without the license required, houses or buildings of any kind wherein more than twenty-five pounds of gunpowder are deposited, stored or kept at any one time, are hereby declared and shall be deemed public or common nuisances.

Accounts.

SECTION 6. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioner of each ward, marshal, and all other officers and agents of the city, at such time as they may deem proper, also at the end of each year, and before the term for which the officers of said city are elected or appointed shall have expired. And the common council shall require each and every such officer and agent to exhibit his books, accounts, moneys and vouchers for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of the council in the discharge of his duties, in pursuance of this section, or shall neglect or refuse to render his accounts or present his moneys, books and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant, and the common council shall order suits and

proceedings at law against any officer or agent of said city, who may be delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all such settlements and adjustments.

CHAPTER V.

OPENING OF STREETS, ALLEYS, ETC.

Opening streets etc.

SECTION 1. The common council shall have power to lay out public squares, grounds, streets and alleys, and to enlarge or extend the same, and to use lands in said city for the purpose of constructing and repairing sewers and drains as follows: Whenever ten or more freeholders residing in any ward shall, by petition, represent to the common council that it is necessary to take certain lands within the ward where such petitioners reside, for public use, for the purpose of laying out public squares, grounds, streets or alleys, or the enlarging or widening the same, or to use certain lands within the ward for the purpose of constructing or repairing sewers and drains, giving the course and distances, metes and bounds of the lands proposed to be taken, or used as aforesaid, together with the names and residences of the owners of such premises, if the same shall be known to the petitioners, the common council shall, if they deem it necessary to take and use such lands for the purpose specified in such petition, cause notice of such application to be given to the owner or owners of such land in case such owner or owners shall reside in the city of Two Rivers, and to the occupant or occupants of such land if any there be, which notice may be served personally or by leaving the same at the place of business or at the residence of such owner or owners, occupant or occupants; or if a portion of such lands shall not be in the actual occupation of any person, then the common council shall cause such notice, describing as near as may be the premises proposed to be taken, to be published in a public newspaper printed in the county of Manitowoc, for four successive weeks, at least once in each week.

Notice of application.

SECTION 2. Such notice shall state that on a day therein to be named, not less than ten days from the service of such notice, or the expiration of such publication as the case may be, application will be made to the county judge of the county of Manitowoc, for the appointment of six jurors to view said premises, and to determine whether it will be necessary to take

or use the same for the purposes specified in said petition. Should any of the lands proposed to be taken or used belong to the county judge, the application shall be made to the sheriff of the county.

Appointment of jurors.

SECTION 3. Upon presentation of such application, and upon proof of the publication or service of the notice hereinbefore required, the said judge or sheriff, as the case may be, shall thereupon appoint as jurors six reputable freeholders, residents of the city, but not residents of the ward in which such premises lie, nor interested in the result of such application. The said judge or sheriff shall thereupon issue his precept directed to said jurors, requiring them, within thirty days from the date thereof, to view such premises, to be specified in said precept, and to make return under their hands to the common council, whether, in their judgment, it is necessary to take or use said premises for the purpose specified in such application.

Vacancies.

SECTION 4. If any juror, so appointed, shall be disqualified from acting, or shall refuse to act, at any time before the completion of their final award, the judge or sheriff shall appoint others in their place, and a memorandum of such substitution shall be endorsed on the precept.

Shall view premises.

SECTION 5. The said jurors having first taken the oath hereinafter provided for shall at such times as they may agree, proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of the jurors, and either of the jurors shall be authorized to administer the necessary oaths to witnesses.

Report of proceedings.

SECTION 6. After viewing the premises and hearing such testimony as may be offered, the jurors shall make a report of their proceeding, which shall be signed by them respectively, and which shall state whether, in their judgment, it is necessary to take or use the premises in question for the public use, which said report, testimony and precept shall be returned to the common council within the time limited therein.

Determination of damages.

SECTION 7. Should the jurors report that it is necessary to take such premises, the common council shall, if they approve such report, enter an order among their proceedings confirming said report, and directing the same jurors, within one month thereafter, or such further time as may be necessary, to again view said premises, for the purpose of ascertaining and determining the amount of damages to be paid to the owner

or owners of the property proposed to be taken; and also what premises will be benefited by such taking, and to assess and return within the time limited, such damages and benefits to the common council: *provided, however*, that in case of sewers and drains the said jurors need not view the premises to be benefited or assess the benefits thereon.

In case of buildings.

SECTION 8. If there should be any building standing in whole or in part upon the lands to be taken, the jurors, before proceeding to make their assessment, shall first estimate and determine the whole value of such building to the owner, aside from the value of the land, and the injury to him in having such building taken from him. And secondly, the value of such building to remove.

Notice to owner

SECTION 9. At least ten days' personal notice of such determination shall be given to the owner or his agent, if known, and a resident of the city, or left at his usual place of abode. If not known or a non-resident, notice to all persons interested shall be given by publication in a newspaper published in Manitowoc county, three successive weeks; such notice shall specify the building and the award of jurors. It shall also require the parties interested to appear by a day to be therein named, and give notice of their election to the common council, either to accept the award of the jurors and allow such building to be taken with the land appropriated, or of their intention to remove such building at the value set thereon by the jurors to remove. If the owner shall agree to remove such building, he shall have such time for that purpose as the common council may allow.

Sale of buildings.

SECTION 10. If the owner refuse to take the building at the value to remove, or fail to give notice of his election as aforesaid within the time prescribed, the common council shall have power to direct the sale of such building at public auction, for cash, giving ten days' notice of such sale. The proceeds shall be paid to the city treasurer, for the use of the owner, and shall thereafter be paid over to the owner on his application therefor: *provided*, it shall be necessary to remove such buildings for the proper use of the lands so taken or used.

Assessment of damages and benefits.

SECTION 11. The said jurors, within the time limited, shall view and examine the premises proposed to be taken and used, and all such other premises as shall, in their judgment, be benefited thereby: *provided, however*, that in case of sewers or drains, the said jurors

need not examine the lands benefited. After hearing such testimony as may be offered, and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessments, and to determine and appraise to the owner or owners the value of the real estate so proposed to be taken or used, and the injury arising to them, respectively, in consequence of the taking or using thereof, which shall be awarded to such owners respectively as damages, after making due allowance therefrom for any benefit which such owners may respectively derive from such improvement. In the estimate of damages to the lands, the jurors shall include the value of the building or buildings (if the property of the owner of such lands) as estimated by them as aforesaid, less the proceeds of the sale thereof, or, if taken by the owner at the value to remove, in such case they shall only include the difference between such value and the whole estimated value of such building or buildings.

Shall strike balance.

SECTION 12. If the damages to any person be greater than the benefits received, or if the benefits be greater than the damages, in either case, the jurors shall strike a balance and carry the difference forward to another column, so that the assessment will show what amount is to be received or paid by such owner or owners respectively, and the difference only shall in any case be collected of them and payable to them.

In case of incumbrance.

SECTION 13. If the lands or buildings belong to different persons, or be subject to lease, judgment, mortgage or other incumbrance, or if there be any estate in it less than an estate in fee to such person or interest respectively, the injury done shall be awarded to the person entitled thereto by the jurors, less the benefits resulting to such interests respectively from the proposed improvement.

To apportion and assess damages.

SECTION 14. Having ascertained the damages and expenses of the proposed improvement as aforesaid, the jurors shall thereupon apportion and assess the same, together with the costs of the proceedings upon the real estate by them deemed benefited, in proportion to the benefits resulting thereto from the proposed improvement, as nearly as may be, and shall describe the real estate upon which their assessment may be made, and state the amount assessed upon each separate tract: *provided, however*, that when the lands are used only for the purpose of a sewer or drain, the damages shall not be assessed upon the lands benefited, but shall be paid by the city, as provided by law.

The award of the said jurors shall be signed by them and returned, together with the testimony taken, to the common council, within the time limited in their order of appointment, and shall be final, unless appealed from in the manner hereinafter provided.

Before land is appropriated damages must be paid or tendered.

SECTION 15. The land required to be taken or used for the purposes mentioned in this act, shall not be appropriated until the damages awarded therefor to the parties interested shall be paid or tendered to them or their agents, or in case said parties or agents cannot be found, or are unknown, deposited to their credit in some safe place of deposit, to be determined by the common council; and then, and not before, such lands may be taken or used and appropriated for the purpose required, and the lands shall thereafter be subject to all the laws and ordinances of the city, in the same manner as streets, alleys and public grounds heretofore opened or laid out, except in cases where the lands are only used for the purposes of sewers and drains, and then in that case the said city shall have the power to go upon said premises at any and all times for the purpose of examining and repairing said sewers and drains.

Contracts to cease.

SECTION 16. When the whole of any lot or tract of land, or other premises under lease or other contract or incumbrance; shall be taken or used by virtue of this act, all the covenants, contracts or liabilities relating to the same, or any part thereof, shall, after the expiration of the time for appeal, as herein provided, respectively, cease and be absolutely discharged.

When only part is taken.

SECTION 17. When only part of the lot or tract of land, or other premises so under lease or other contract or incumbrance, shall be taken or used for the purpose aforesaid, such covenants, contracts or incumbrance, shall be absolutely discharged, as to the part thereof so taken or used, but shall remain valid as to the residue thereof; and the rents, liens and payments due from or on account of the same, shall be so appropriated that the part thereof justly and equitably payable for such residue, and no more, shall be paid or recoverable for, or in respect to the same.

When proceedings void.

SECTION 18. The damages assessed on each separate lot or tract shall be paid or tendered, or deposited as herein required, within one year from the confirmation of such assessment and report, and if not so paid, tendered or deposited, all the proceedings in any such case, as to any lot or tract on which they are so unpaid, shall be void, the benefits so assessed from the expira-

tion of the time for appeal, shall become a lien upon the premises upon which they are assessed, and shall be collected therefrom as a special assessment in the same manner as other special assessments for city improvements are collected. The amounts so collected shall be held by the city as a special fund for the payment of the damages aforesaid, and shall be paid out for that purpose and no other.

Guardian to be appointed.

SECTION 19. When any known owner of lands or tenements, affected by any proceedings under this act, shall be an infant, or labor under disability, the judge of the circuit court of Manitowoc county, or the county judge, may, upon the application of the common council, or of such party by his next friend, appoint a guardian for such party, and all notices required by this act shall be served upon such guardian, in the same manner as if he were the party interested.

Jurors to qualify.

SECTION 20. The jurors mentioned in this act shall, before entering on the discharge of their duties, severally take an oath before some competent officer, that they are freeholders of said city, and not interested in the premises proposed to be taken or used, and that they will faithfully and impartially discharge the trust reposed in them. If any juror shall neglect or refuse to serve after the return of the precept above mentioned, the county judge shall have power to appoint new jurors in place of those who shall so neglect or refuse to serve.

Appeal may be taken.

SECTION 21. The city council or any party interested may, within twenty days, from the return of the jurors to the common council, of the benefits and damages so assessed, appeal to the circuit court of Manitowoc county from the decision of said jurors so far as it affects the interests of said appellants. Notice of such appeal shall be filed by the appellant, with the clerk of said court, within twenty days above mentioned, and the issue on such appeal shall be made up and tried in said court in such manner as said court shall direct.

When damages are increased.

SECTION 22. In case the total amount of damages and costs awarded by the jurors, and which formed the basis of their assessment, shall be increased by any proceeding subsequent to the return of said assessment to the common council and founded thereon, such additional sum shall, as soon as such proceedings are finally determined, be assessed by the city clerk under the direction of the mayor and common council, upon the land upon which the first assessment was made, in the same proportion as such first assessment, and shall be collected in the same manner.

SECTION 23. Whenever any streets, alleys or public grounds shall be laid out or extended, or sewers or drains constructed, under the provisions above, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city clerk. **Survey to be made.**

SECTION 24. No street or alley, or part thereof, shall be vacated except upon the petition of the owners of three-fourths of the front upon such street or alley, in the block in or along which such street or alley runs; but the boundaries of streets may be changed upon petition to the council by the parties interested. **When to be vacated.**

SECTION 25. The foregoing provisions shall not apply to unplatted lands. Roads or streets may be laid out by the common council through unplatted lands in the same manner as roads are laid out by supervisors in towns. **Not to apply.**

SECTION 26. All the foregoing directions given in this chapter shall be deemed only directory, and no error, irregularity or informality in any of the proceedings under the provisions of this chapter of this act, not affecting substantial justice, shall in any way affect the validity of the proceedings. **Only directory.**

CHAPTER VI.

CITY IMPROVEMENTS.

SECTION 1. The city council shall have power to order and contract for the making, grading, repairing and cleaning of streets, alleys, public grounds, reservoirs, gutters, sewers, drains and sidewalks, in the manner hereinafter mentioned, and direct and control the persons employed therein. **Repairing of streets, etc.**

SECTION 2. The cost and expense of surveying streets, alleys, sidewalks, drains and sewers, and of estimating work thereon in the execution of any public improvement shall be charged to and payable by the city. The cost and expense of opening, grading, graveling, planking, paving or repairing streets and alleys and constructing or repairing sidewalks, shall be chargable to and payable by the lots fronting on such street or alley, so that each lot or parcel of land shall pay for the work done between the front of such lot or tract of land and the center of such street or alley. Sewers and drains may be ordered by the council, and all costs and expenses, as well as the damages which shall be sustained by owners of lands through which the same shall pass shall be charged to and payable by the city. **Improvements—how paid for.**

Notice of determination to be given.

SECTION 3. Whenever the council shall determine to make any public improvement, as authorized by sections one and two of this chapter, they shall fix the time wherein such work shall be done, and shall give notice by advertisement published once a week for three successive weeks in a newspaper printed in Manitowoc county, to the owners or occupants of the lots or parcels of land fronting on any street, alley or sidewalk ordered to be improved, requiring them to do the work mentioned in such notice within the time fixed by the council for the doing of the same, to be therein specified. If said work shall not be done within said time, the street commissioner of the ward in which said work is required to be done, shall immediately proceed to contract for doing the same at the expense of the lots upon which such work is chargeable; the contract to be let to the lowest bidder, printed notices having been given of the time and place of such letting at least ten days in three public places in the ward in which said work is to be done, and a copy of such notice shall be published in a newspaper printed in Manitowoc county. The letting of the contract shall take place at the office of the city clerk, and the street commissioners shall give notice to the aldermen of the wards in which such work is to be done, to be present at the letting of the contract. Proposals for grading shall be sealed, and shall state the amount per yard for excavation or filling, and the award of the contract shall be made to the lowest responsible bidder. Before proceeding to execute any contract obtained under this chapter, the street commissioner shall cause such surveyor as the council may employ to make an estimate of the amount of work to be performed in front of each lot, which estimate shall be filed in the office of the city clerk.

When city to let contract.

In case of extraordinary cutting and filling.

SECTION 4. Whenever the general interests of the city requires a deep cutting or extraordinary filling in any street, and the owners of the lots or lands fronting on such deep cutting or filling shall deem themselves aggrieved thereby, and shall represent to the council in writing, that the expense of such excavation or filling will exceed the proportion that should be justly and equitably charged upon the property assessed therefor, the council shall require the marshal to summon five freeholders, not residents of the ward, nor owners of nor interested in said lots or lands, who, after being sworn faithfully and impartially to discharge the trust reposed in them, shall examine the premises, and if, in

their opinion, the costs of such work shall exceed the amount that should be justly and equitably chargeable upon said premises, it shall be their duty to determine what portion of such work shall be chargeable to such lots or parcels of land respectively, and to what lots and parts of land on the streets so improved will be benefited by such deep cutting or filling, or the construction of such sewer or drain; and how much or what portion shall be chargeable to them, and to make a report thereof as soon as practicable, in writing, to the council; and such proportion as shall be reported as properly chargeable to the lots or parcels first mentioned, shall be assessed upon and collected from the same in the same manner as herein provided in case such owners shall not do such work, and the remainder shall be assessed upon the lots benefited by such improvements, in proportion to their respective benefit, as determined by said jury; the sum so assessed shall become a lien upon the premises assessed, and shall be collected therefrom as a special assessment, in the same manner as other special assessments for city improvements are collected: *provided*, that should said jury find that said petitioners were not entitled to any division of the expense as assessed upon their lots or parcels of land, then the expense of proceedings under this section shall be paid by said petitioners, and the common council may require a bond for the payment of the same on the filing of the petition: *provided, also*, that the petition of no owner feeling himself aggrieved, shall be received, unless the same shall be presented within twenty days after the publication of the notice requiring the same to be done: *and, provided, further*, that when it shall appear to the council that any such lands belong to non-residents, infants, or persons laboring under legal disability, who shall not be represented by any agent or guardian, or not be benefited by the making of streets in front of such lots or lands, to the amount of the costs and expenses thereof, it shall then be the duty of said council to cause to be summoned a jury as herein provided.

Stagnant water

SECTION 5. The common council shall give notice to all owners or occupants of lots, which may be deemed injurious to health by reason of stagnant water remaining thereon, in the official paper for two weeks, to abate such nuisance by draining or filling such lot within a reasonable time, therein to be specified, and if such nuisance shall not be abated or removed within the time so specified, the common council shall cause

the same to be abated and removed at the expense of the property upon which the same may exist.

Certificates shall issue.

SECTION 6. After the completion and performance of any contract entered into by the street commissioners, for work chargeable to lots or lands by virtue of this act, they shall give the contractor or contractors a certificate under their hand, stating therein the amount of work done by such contractor and the nature thereof, and the description of the lot or parcel of land upon which the same is chargeable, which said certificate may be transferred by endorsement thereon; and if the amount thereof shall not be paid before the time of making out the annual tax roll, the same may be filed with the city clerk, and shall be assessed upon the said lots or parcels of land respectively, and collected therefrom for the use and benefit of the holder of such certificate, as other taxes on real estate are collected by virtue of the laws of this state, except that personal property shall not be seized or sold for the payment thereof, and if the notice to do the work required shall have been given, as herein provided, no informality or error in the proceedings shall vitiate such assessment. When the tax shall have been paid to the city treasurer, he shall pay over the amount on order of the council, to the persons entitled to receive it. But if the tax on such lot shall not be paid while the roll is in the hands of the city treasurer, it shall be returned to the county treasurer as delinquent, and shall be received by such treasurer in part payment of the county tax. Then the city shall issue a city order to the amount assessed against the lot in favor of the contractor, on his petition to the council so to do. But in no event where work is ordered to be done at the expense of any lot or parcel of land, shall either the city or county be held responsible for or on account thereof, or of any proceeding for the collection of the pay therefor.

Appeal.

SECTION 7. In all cases where work is ordered to be done by the owner of any lot, under the provisions of this chapter, such owner may make his appeal, as hereinbefore provided, at any time within twenty days after the publication of the notice required to be given, and while such appeal is pending, no such order shall be executed.

Street commissioners—powers and duties of.

SECTION 8. The common council shall appoint one street commissioner in each ward, whose general powers and duties shall be the same as those of overseers of highways in towns, except as otherwise herein provided. It shall also be the duty of the street commis-

sioner, whenever, in his opinion, any portion of a sidewalk shall be out of repair or in a dangerous condition, to serve a written notice upon the owner or occupant adjacent to which such defective sidewalk shall be, if a resident of said city, to immediately repair the same, and if said owner or occupant fail to repair the same forthwith, then and in that case, the same may be repaired by the street commissioner at the expense of the lot adjoining said defective sidewalk: *provided, however*, that the expense to be charged to any lot for any such repairs shall in no case exceed the sum of five dollars, unless such repairs shall be according to the provisions of section three of this chapter; service of such written notice at the residence of the owner or occupant of such lot, upon a member of his family of suitable age and discretion, or with the agent of the owner, shall be deemed service upon such owner or occupant; and in case the owner of such lot is not a resident of said city, or his residence is unknown, and such owner has no agent in said city known to the street commissioner, then and in that case, it shall be the duty of the street commissioner to forthwith repair the same, without notice to the owner of the adjoining lot, at the expense of such lot, as hereinbefore provided. The street commissioner shall also have the same powers and duties in relation to removing obstructions from any of the streets in said city as town boards of supervisors have in removing obstructions from highways.

Bond required.

SECTION 9. Every street commissioner hereafter appointed by the common council shall, before entering on the duties of his office, give a bond to the city of Two Rivers, with one or more sufficient sureties, to be approved by the council, in the penal sum of not less than five hundred dollars, conditioned to render an account to the common council whenever required by law or the ordinances of said city, or by vote of said council, to safely keep and account for, and deliver over when lawfully required, all property of said city that may come into his hands; to use, disburse and pay over as required by law or the ordinances of said city, all moneys that may come into his possession as such officer, and to faithfully discharge the duties of said office.

Term of office.

SECTION 10. Every street commissioner shall hold his office for the term of one year from the first Tuesday in April of the year in which he is appointed, and shall, on or before the first Monday in November, ren-

Report.

der an account under oath to the common council, showing the amount of money collected by him as such commissioner, and from whom it was collected, and showing the amount of money that has been expended, specifying the work for which it was expended, and also showing the amount of labor and by whom performed, in payment of highway taxes, and when the same was performed. Such an account shall be rendered as often as the common council shall require.

Poll tax.

SECTION 11. It shall be the duty of every male inhabitant in the city, being over the age of twenty-one years, excepting persons over fifty years of age, idiots, lunatics, paupers and active members of the fire department, to pay each year, when demanded by the proper street commissioner, a poll tax of one dollar. Said tax may be paid to the street commissioner, or be commuted for in labor as now provided by law; and in default of paying the same either in money or labor, when demanded by the proper officer, he shall forfeit and pay a penalty of three dollars. Each street commissioner shall, within sixteen days after being notified of his appointment, deliver to the city clerk a list subscribed by him of the names of all the inhabitants of his ward who are liable to pay taxes on the highways, and the clerk shall lay the same before the common council at its next meeting. The common council may correct and perfect said list, and shall thereupon assess a poll tax of one dollar upon each person named in said list, for street and highway purposes. The residue of the highway tax to an amount not less that one or more than five mills on the dollar shall be assessed by the common council on the valuation of the real and personal property in said city, and the common council shall set opposite to the name of each person and corporation, and to each description of taxable property, the amount of tax charged to each respectively. Warrants for the collection of such tax shall be made out by the clerk, under the seal of the city, in the same general manner that warrants for the collection of city taxes are now made out, and said taxes shall be placed in the annual assessment roll of the city, and collected, in all respects, as other taxes are collected. Said taxes, when collected, shall be held by the city treasurer, and paid out as directed by the common council. Said moneys shall be expended, under direction of the council, on such streets, in such places, and under the supervision of such persons as the council may designate. No person, how-

ever, shall be entitled to any compensation from the city treasury for services rendered thus. Whenever any person shall neglect or refuse to pay his poll tax, the street commissioner may commence suit for the penalty incurred by the party refusing to pay the tax, in the name of the city, as provided by law in other cases. All the laws relating to the assessment and collection of highway and poll taxes in towns, when not inconsistent with the provisions of this act, shall be in force in said city the same as though they were a part of this charter.

Fees.

SECTION 12. Each street commissioner shall be entitled to receive ten per cent. of the amount collected by him as poll tax, to be retained out of the moneys collected by him, and no other compensation shall be allowed. The city shall not be liable for any services ordered to be performed by said street commissioners, unless provision is made for paying therefor at the time such services are ordered.

Shade trees.

SECTION 13. The common council of the city of Two Rivers shall have power to require the owner of any lot or grounds in said city to set out ornamental or shade trees, in the street or streets in front of the same, and to protect and preserve them, and in default thereof, to cause the same to be done, and to levy a special tax upon such lot or grounds to pay the expense of the same. They shall also have the power to determine the lines on which the trees shall be set, the places where they shall be set, the kind and size of the trees to be set, and the manner of protecting them, and for replanting them when they have died or been so injured as to fail to answer the purpose for which they were set out. Said council shall also have full power and authority to do all other needful acts as to them may seem just and proper to give this section full scope and effect.

CHAPTER VII.

FINANCES AND TAXATION.

Funds—how disbursed.

SECTION 1. All funds in the city treasury, except school, state and county funds, shall be under the control of the common council, and shall be drawn upon the order of the mayor, countersigned by the clerk, duly authorized by a vote of the common council, and in no other manner, and all orders drawn upon the treasury shall specify the purpose for which they are drawn, and shall be payable generally out of any funds in the treasury belonging to the city. All orders shall

the same to be abated and removed at the expense of the property upon which the same may exist.

Certificates shall issue.

SECTION 6. After the completion and performance of any contract entered into by the street commissioners, for work chargeable to lots or lands by virtue of this act, they shall give the contractor or contractors a certificate under their hand, stating therein the amount of work done by such contractor and the nature thereof, and the description of the lot or parcel of land upon which the same is chargeable, which said certificate may be transferred by endorsement thereon; and if the amount thereof shall not be paid before the time of making out the annual tax roll, the same may be filed with the city clerk, and shall be assessed upon the said lots or parcels of land respectively, and collected therefrom for the use and benefit of the holder of such certificate, as other taxes on real estate are collected by virtue of the laws of this state, except that personal property shall not be seized or sold for the payment thereof, and if the notice to do the work required shall have been given, as herein provided, no informality or error in the proceedings shall vitiate such assessment. When the tax shall have been paid to the city treasurer, he shall pay over the amount on order of the council, to the persons entitled to receive it. But if the tax on such lot shall not be paid while the roll is in the hands of the city treasurer, it shall be returned to the county treasurer as delinquent, and shall be received by such treasurer in part payment of the county tax. Then the city shall issue a city order to the amount assessed against the lot in favor of the contractor, on his petition to the council so to do. But in no event where work is ordered to be done at the expense of any lot or parcel of land, shall either the city or county be held responsible for or on account thereof, or of any proceeding for the collection of the pay therefor.

Appeal.

SECTION 7. In all cases where work is ordered to be done by the owner of any lot, under the provisions of this chapter, such owner may make his appeal, as hereinbefore provided, at any time within twenty days after the publication of the notice required to be given, and while such appeal is pending, no such order shall be executed.

Street commissioners—powers and duties of.

SECTION 8. The common council shall appoint one street commissioner in each ward, whose general powers and duties shall be the same as those of overseers of highways in towns, except as otherwise herein provided. It shall also be the duty of the street commis-

sioner, whenever, in his opinion, any portion of a sidewalk shall be out of repair or in a dangerous condition, to serve a written notice upon the owner or occupant adjacent to which such defective sidewalk shall be, if a resident of said city, to immediately repair the same, and if said owner or occupant fail to repair the same forthwith, then and in that case, the same may be repaired by the street commissioner at the expense of the lot adjoining said defective sidewalk: *provided, however*, that the expense to be charged to any lot for any such repairs shall in no case exceed the sum of five dollars, unless such repairs shall be according to the provisions of section three of this chapter; service of such written notice at the residence of the owner or occupant of such lot, upon a member of his family of suitable age and discretion, or with the agent of the owner, shall be deemed service upon such owner or occupant; and in case the owner of such lot is not a resident of said city, or his residence is unknown, and such owner has no agent in said city known to the street commissioner, then and in that case, it shall be the duty of the street commissioner to forthwith repair the same, without notice to the owner of the adjoining lot, at the expense of such lot, as hereinbefore provided. The street commissioner shall also have the same powers and duties in relation to removing obstructions from any of the streets in said city as town boards of supervisors have in removing obstructions from highways.

Bond required.

SECTION 9. Every street commissioner hereafter appointed by the common council shall, before entering on the duties of his office, give a bond to the city of Two Rivers, with one or more sufficient sureties, to be approved by the council, in the penal sum of not less than five hundred dollars, conditioned to render an acccount to the common council whenever required by law or the ordinances of said city, or by vote of said council, to safely keep and account for, and deliver over when lawfully required, all property of said city that may come into his hands; to use, disburse and pay over as required by law or the ordinances of said city, all moneys that may come into his possession as such officer, and to faithfully discharge the duties of said office.

Term of office.

SECTION 10. Every street commissioner shall hold his office for the term of one year from the first Tuesday in April of the year in which he is appointed, and shall, on or before the first Monday in November, ren-

be payable to the person in whose favor they may be drawn, or to the bearer thereof.

Appropriation of money.

SECTION 2. No debt shall be contracted against the city, or order be drawn on the city treasurer, unless the same shall be authorized by a majority of the common council, and the vote authorizing the same shall be entered by yeas and nays upon the journal of the council; and no money shall be appropriated for any purpose whatever, except such as is expressly authorized by this act, and for the payment of indebtedness now existing; nor shall the amount to be raised in any one year for the general city purposes, other than state, county or school taxes, and interest on the bonded indebtedness of said city, as authorized by law, exceed two per centum of the valuation in the tax roll for such year.

Tax limited.

Moneys to constitute general fund.

SECTION 3. All forfeitures and penalties accruing to the city for a violation of this act, or of any of the ordinances, by-laws, rules and regulations of the city, and all moneys received for licenses shall be paid into the city treasury, and become a part of the general fund, except as otherwise provided by this act. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by a vote of three-fourths of all the aldermen elect.

Subject to taxation.

SECTION 4. All property, real or personal, within the city, except such as may be exempt by the laws of this state, shall be subject to annual taxation for the support of the city government and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided. The assessor elected under this act shall have and possess the same powers and perform the same duties as are or may hereafter be conferred upon township assessors, except so far as they may be altered by this act: *provided, however*, that the common council may prescribe the form of assessment rolls, and more fully define the duties of assessors.

Assessor—how governed.

SECTION 5. The assessor elected by virtue of this act shall, in all things pertaining to his office, so far as practicable, be governed by the same laws as assessors in towns.

Regarded as a town.

SECTION 6. The county board of supervisors shall have the right to regard the city of Two Rivers as a town, in equalizing the assessment rolls of the several towns in Manitowoc county, as provided by law, but in such equalization shall consider the assessment roll of said city as an entire roll, and shall not change the relative valuation of the different wards.

SECTION 7. The said board of supervisors may levy a tax or taxes, as now is or may hereafter be provided by law in relation to towns, but shall proceed therein without regard to the division of the city into wards, and shall cause the amount of taxes so levied to be certified to the city or city clerk, in the manner provided by law in relation to towns or town clerks, and in all transactions of the board of supervisors of said county, said city shall be regarded as a town, except as herein otherwise provided. **Ward boundaries not to be regarded.**

SECTION 8. Upon receiving the statement of the amount of taxes so levied, the city clerk shall make out upon the assessment roll, in columns left for that purpose, or upon a copy thereof, a complete statement of the several taxes levied for state, county, city or other purposes, and all delinquent taxes, if any, of previous years, and all special taxes levied by the common council since the making out of the last annual tax list in such separate columns as may be necessary, with the total footing carried out opposite each tract or lot of land or person named therein, which statement shall be called "the tax list of the city of Two Rivers." and shall be preserved by said clerk as a record in his office, and shall have the same legal force and effect as the records of the common council. **Clerk to make tax-list.**

SECTION 9. The tax list made out and preserved as aforesaid shall be *prima facie* evidence in every court of record in this state, that every act or thing required by law to be done, relating to assessing or levying of taxes, from the election of officers to the completion of the tax list inclusive, has been done regularly, correctly and as required by law. **Evidence.**

SECTION 10. Immediately after making out the tax list aforesaid, the clerk shall make out a duplicate copy thereof, to which shall be appended a warrant, signed by the mayor and clerk, and sealed with the corporate seal of said city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments specified in said duplicate copy of the tax list, in the manner provided by law; and the said clerk shall, on or before the first day of December of the same year, or as soon thereafter as practicable, deliver the same to the city treasurer for collection, and make a record of such delivery on the tax list preserved in his office. **Warrant to treasurer.**

SECTION 11. The city treasurer, upon the receipt of such duplicate copy of the tax-list shall proceed to collect the same in like manner, and shall have like pow- **Collection of taxes.**

Investment of surplus funds.

SECTION 23. The council shall have power to direct that all surplus funds belonging to the city, not needed for immediate use, may be invested as the council may direct, or borrowed for the temporary use of the other funds of the city, and all interests and profits arising from such investment shall belong to the city, and shall be accounted for in the same manner that other funds are accounted for.

CHAPTER VIII.

FIRE DEPARTMENT.

Fire limits.

SECTION 1. The common council, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden building or buildings, or other materials that shall not be considered fire-proof shall be erected, repaired or moved and to direct that all and any buildings, within the limits prescribed, shall be made and constructed of fire-proof materials, and to prohibit the removal of buildings into such fire limits, or the removal of any building or buildings, situated or located within said fire limits, to or on any other lot or lots within such fire limits, and to prohibit the repairing of wooden buildings within the fire limits when the same shall have been damaged to the extent of fifty per cent. of value thereof, and to prescribe the manner of ascertaining such damages.

Chimneys, etc.

SECTION 2. The common council shall have power to regulate the building, construction and condition of chimneys, fire places, hearths, stoves, stove pipes, ovens, boilers and apparatus used in or about any building, and to cause the same to be removed or placed in a safe and secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire buckets, and in such manner and times as they shall prescribe, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of any manufactories dangerous in causing and promoting fires; to compel the owners and occupants of buildings to have scuttles in the roofs, and stairs or ladders leading to the same; to authorize the mayor, aldermen, fire wardens and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons, and to compel bystanders to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the

Fire protection.

prevention and extinguishment of fires as the common council may deem expedient, and enforce the provisions of this chapter and the ordinances under it by suitable penalties.

SECTION 3. The common council shall have power to authorize the formation of fire engine, hook and ladder and hose companies, provide for the due and proper regulation of the same, and to disband any such companies at any time, and prohibit their meetings as such when disbanded, which companies shall be officered and governed by their own by-laws, provided such by-laws be not inconsistent with the laws of this state, or with the ordinances and regulations of the city, and shall be formed only by voluntary enlistment. Every active member of any company in said city shall be exempt from serving on juries and from poll tax and military duty, except in case of war, invasion or insurrection, and whenever a member of a fire, hook and ladder, bucket and hose company, shall have served therein for ten years, he shall be entitled to a discharge signed by the mayor, and shall thereafter be exempt as aforesaid. Fire companies. Exemptions.

SECTION 4. The common council shall have power to raise a tax each year, not exceeding five mills on the dollar of the taxable property within said city, for fire purposes, the same to be assessed and collected in the same manner as the general tax of said city; and the moneys arising therefrom shall be expended under the direction of the common council of said city for fire purposes. Tax for fire purposes.

CHAPTER IX.

SUPPORT OF THE POOR.

SECTION 1. The laws of the state for the relief and support of the poor in towns, shall apply to said city, and the common council shall appoint one or more of their number to act as overseers of the poor of the city, who shall perform all the duties of overseers of the poor in towns. State laws to apply.

CHAPTER X.

BOUNDARY OF SCHOOL DISTRICT.

SECTION 1. The district of country herein described as within the limits of the city of Two Rivers, or which may hereafter be embraced within the limits of Two Rivers, shall form and constitute one district for school School district boundary.

purposes. Said district shall cease to be joint with the town of Two Rivers, or any part thereof, and shall be known as district number one of the city of Two Rivers.

Repealed.

SECTION 2. All acts or parts of acts, and any provision of an order, or determination of the county board of supervisors of Manitowoc county, in setting off the village of Two Rivers from the town of Two Rivers, so far as they conflict with this act, are hereby repealed.

CHAPTER XI.

PUBLIC SCHOOLS.

School commissioners.

SECTION 1. There shall be elected by the common council of the city of Two Rivers, at its first meeting after the first day of July of each year, from each ward in said city, one school commissioner for said city, who shall be residents of the wards for which they are elected; the persons so elected shall hold their offices for the term of one year, and until their successors are elected and qualified, and the common council may make appointments of school commissioners to fill vacancies which may occur from any cause.

Board of education.

SECTION 2. The school commissioners elected under the provisions of section one of this chapter, shall form the "board of education of the city of Two Rivers," and a majority of said board shall form a quorum for the transaction of business. It shall be the duty of the mayor and council to supply, by appointment, any vacancy which may occur from time to time in the number of said school commissioners, by resignation or otherwise.

President of board — his powers and duties.

SECTION 3. The board of education shall, at the first regular meeting in July of each year, elect one of its members president, who shall preside at all meetings of the board, and preserve order and decorum thereat, and decide all questions of order, subject to appeal to the board. He shall countersign all orders drawn by the secretary for the payment of teachers' and janitors' wages, and all other incidental and necessary expenses of said board of education, and in all suits brought by or against the school district, he shall appear in behalf of the district, unless some other provision is made by the board of education. He shall declare all votes taken on questions coming before the board: *provided*, that on all questions requiring appropriations of money or the adoption of the new text-books, the vote shall be taken by ayes and noes, and on any other questions the ayes and noes shall be called when any member

shall request it: *provided, further*, that in the absence of the president, the board shall elect a president *pro tempore*.

SECTION 4. The board of education shall have at least one regular meeting in each month, at such time and place as may be directed by them, and they may have special meetings at such other times as they may deem necessary, or when called together by the president, but no such special meeting shall be legal unless each member of the board shall have first been served with notice in writing of the time and place of such meeting. **Monthly meetings.**

SECTION 5. The duties of the board of education shall be as follows: **Duties of board**

1st. To decide upon the number of teachers to be employed, the grade of school to be kept by each, and the amount of salary to be paid each, and to hire and make contracts with the teachers; and before any teacher shall enter upon his or her duties as such, he or she will enter into a written contract, which contract shall be signed by such teacher and by the said board of education, or by some member thereof designated for that purpose by resolution of said board. Such contract shall be made in duplicate, and one copy thereof filed with the clerk, and the other copy delivered to such teacher. **Employment of teachers.**

2d. To arrange and determine terms and vacations in all public schools, to establish uniformity in the school system, and to require and secure uniformity in text-books, and to adopt or reject text-books, at will. **Text-books, terms, etc.**

3d. To establish rules and regulations for the schools, not in conflict with the constitution or laws of this state, but the mayor and council may, in their discretion, do away with, annul or abrogate, any such rule or regulation by a two-thirds vote of the whole number of aldermen of said city. **Rules and regulations.**

4th. To make contracts for all fuel, stationery, and articles of furniture required for the use of the schools; to make all necessary repairs on school houses, not exceeding one hundred dollars in value for any one school house; to make contracts for all incidentals required for carrying on the school houses, such as lighting fires, sweeping school rooms, etc.; and such contracts, when executed, shall be paid by orders drawn on the city treasurer, payable out of the school fund, which orders shall be signed by the president of the board of education, and countersigned by the clerk of said board. **Incidentals.**

Annual report.

5th. The said board shall annually, on or before the first day of November in each year, submit a statement to the mayor and council, showing the amount of teachers' wages that have accrued and become due during the year, and the amounts of all other indebtedness accruing on contract or otherwise, that have been made by order of the board, and for that purpose they shall cause entries to be made in a book or books to be provided by the city, of contracts made with the teachers, and the amount of salary to be paid, and of all other expenditures made or authorized by said board at the time the same shall be made or authorized, which book or books shall be subject to inspection in the same manner as the records of the proceedings of said board, and they shall at the same time submit for the consideration of the council, a statement of the estimates required for carrying on the schools for the ensuing year, specifying the amount required for teachers' wages and other items separately and specifically. Nothing in this section contained shall prevent the mayor and council from taking into consideration the amount to be received from the state from the income of the school fund, and the amount to be received from the county school tax during the ensuing year. The said board of education shall have power to allow the children of persons not residents of said city, to attend in either of the schools therein, under the care and control of said board, upon such terms as said board shall by resolution prescribe, fixing the tuition which shall be paid therefor; all moneys so received for tuition shall become a part of the school fund of said city.

Non-resident children.

Repairs—how made—and construction of schoolhouses.

SECTION 6. Whenever repairs to a larger amount than one hundred dollars shall, in the opinion of the board, be required for any one school house, they shall cause a statement to be made showing the repairs required, and an estimate of the cost thereof to be laid before the mayor and council; and whenever, in their opinion, another school house or school houses, shall be required, they shall cause estimates of the cost of a site for such house or houses, and a plan of the proposed building or buildings, together with the estimates of the cost of the same, to be made, and shall submit the same for the consideration of the mayor and council, who shall forthwith take measures to raise a tax to defray the cost of such repairs, or the erection of such building or buildings, and the purchase of a site or sites, unless there shall be a two-thirds vote of the whole number of aldermen of the city against the same,

in which case such proposed repairs shall not be made, nor shall such site or sites be purchased or building or buildings be erected; and it shall be the duty of said board to enter into contracts for making such repairs or for the erection of such buildings, or for the purchase of such sites, whenever it shall be made to appear that the necessary tax for the same has been levied or authorized by the mayor and council: *provided*, that no such tax shall be levied for the purchase of sites or new school buildings, until such question shall have been submitted to the legal voters of the city for their approval at a general or special election called according to law.

Orders—how drawn.

SECTION 7. It shall be the duty of the president and secretary of the board of education to draw orders on the city treasury, payable out of the school fund, for teachers' and janitors' wages, and all other expenditures authorized by this act.

Who shall have no interest in contract.

SECTION 8. No member of the board of education shall have any interest, direct or indirect, in any contract made by said board, and every contract so made in which any member of said board shall have such interest, shall be absolutely void.

City clerk to act as secretary.

SECTION 9. The city clerk shall, in addition to his other duties, act as secretary of the board of education.

CHAPTER XII.

ACTION TO RECOVER PENALTIES, ETC.

Suits to be brought in corporate name of city.

SECTION 1. All actions brought to recover any penalty of forfeiture under this act or the ordinances, by-laws, or police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt for such penalty or forfeiture, stating the chapter and section of this act, or the section of the ordinance, by-law or regulation under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

First process—summons.

SECTION 2. In all prosecutions for any violation of any of the provisions of this act or any by-law, ordinance or regulation, the first process shall be a summons, unless oath be made for a warrant as in criminal cases before justices of the peace, under the general statutes of the state for the time being.

Form of summons.

SECTION 3. When the action is commenced by summons, such summons may be substantially in the following form:

COUNTY OF MANITOWOC — *City of Two Rivers* — *ss.*

The state of Wisconsin to the sheriff or any constable of said county, or to the marshal of the city of Two Rivers:

You are hereby commanded to summon A. B., if he shall be found within your county, to appear before the undersigned, justice of the peace in and for said city, at my office in said city, on the —— day of ——, A. D. 18—, at —— o'clock in the —— noon, to answer the city of Two Rivers in a plea of debt to the damage of said city, two hundred dollars or under.

Given under my hand this —— day of ——, 18—.

C. D. Justice of the Peace.

Summons — how returned.

SECTION 4. Such summons shall be made returnable and be served in the same manner as is now or hereafter may be prescribed by the laws of this state for the commencement of actions before justices of the peace by summons; and all proceedings in the action, except as hereinafter provided, shall be governed by the laws of the state for the time being, relative to actions commenced by summons and triable before justices of the peace.

Form of complaint.

SECTION 5. When the action is commenced by summons, the complaint may be substantially in the following form:

The city of Two Rivers against A. B. — In justice court, before C. D., justice of the peace.

The plaintiff complains against the defendant, for that the defendant, on the —— day of ——, 18—, at the said city, did violate (section —— of chapter —— of this act, or section —— of an ordinance, or by-law or regulation of said city, describing it by its title), which said —— is now in force. By reason of such violation, an action hath accrued to the city of Two Rivers, to recover of the defendant the sum of —— dollars debt. Wherefore the plaintiff demands judgment against the defendant for the sum aforesaid, besides the cost of this action.

Form of complaint.

SECTION 6. In all cases where oath is made for a warrant, for the complaint, shall be made on oath of the complainant, and no other affidavit shall be necessary; which last mentioned complaint may be substantially in the following form:

The city of Two Rivers against A. B.

In Justice Court, before C. D., Justice of the Peace.

County of Manitowoc — ss.

—— ——, being duly sworn, complains on oath to C. D., justice of the peace in and for the city of Two

Rivers, in said county, that A. B., on the —— day of ——, eighteen ——— ———, at said city, did violate (section ——— of chapter ——— of this act, or section ——— of an ordinance, or by-law, or regulation of said city, describing it by its title), which said ——— is now in force, as this complainant verily believes, and prays that said A. B. may be arrested and held to answer to said city of Two Rivers therefor.

Sworn and subscribed before me this —— day of ——, eighteen hundred and ———.

——— ———.

Specifications sufficient.

It shall be sufficient to give the number of the section and chapter of this act, or the section of the ordinance, by-law or regulation violated, in the foregoing forms of complaint, and said complaint may be sworn to before any officer authorized to administer oaths. Upon the filing of such complaint with the justice of the peace, he shall issue a warrant substantially in the following form:

Form of warrant.

County of Manitowoc, City of Two Rivers — ss. The state of Wisconsin, to the sheriff or any constable of said county, and to the marshal or any policeman of the city of Two Rivers, greeting:

Whereas, ——— ——— has this day complained to me, in writing, on oath, that A. B., on the —— day of ——, eighteen ——— ——— ———, at said city, did violate (section ———, of chapter ———, of this act, or section ——— of an ordinance or by-law, or regulation of said city, describing it by its title), which said ——— is now in force, as the complainant believes; therefore you are commanded to arrest the body of said A. B., and bring him before me forthwith to answer to the city of Two Rivers on the complaint aforesaid.

C. D., Justice of the Peace.

Justice to at once proceed, or may adjourn and require bail.

Upon the return of the warrant, the justice shall proceed summarily with the case, unless it be adjourned by consent or for cause. If the case be adjourned, the defendant, if required by the court so to do, shall recognize with security to be approved by the court for his, her or their appearance in such sum as the court shall direct, or in default thereof may be put in charge of the officer who made the arrest, or be committed to the common jail of Manitowoc county. The complaint made as aforesaid shall be the only complaint required, and the plea of not guilty shall put in issue all subject matter embraced in the action.

Evidence.

SECTION 7. A printed copy of an ordinance, by-law or regulation passed by the common council, and pub-

lished in a newspaper or in pamphlet or book form, purporting to be published by authority of the common council, shall be *prima facie* evidence of its due passage and publication, and shall be received in evidence on trial of all cases cognizable before any court of this state.

Shall attend without tender of fees.

SECTION 8. Witnesses and jurors shall attend before the justice of the peace in all city and criminal suits, without the payment of fees in advance, or a tender thereof, upon process duly served, and in default thereof their attendance may be compelled by attachment.

Trial by jury.

SECTION 9. In city prosecutions, both plaintiff and defendant shall enjoy the right of trial by jury as in civil actions in justices courts, and the findings of the court shall be, guilty or not guilty. If guilty, the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture presented in this act, or in the ordinance, by-law or regulation, for the violation of which the person or persons shall have been adjudged guilty, and for costs of suit; but if not guilty, the costs of suit shall be taxed against the city. Upon the rendition of judgment against the defendant and the non-payment thereof, the justice shall forthwith issue execution as in cases of tort; in case the action was commenced by summons, and a commitment in case it was commenced by warrant, and shall in either case determine and enter upon his docket the length of time the defendant shall be imprisoned, which in no case shall exceed six months, and also insert such time in the execution or commitment. Such execution shall be in the following form:

Execution shall issue.

Form of execution.

County of Manitowoc, City of Two Rivers — ss.

The state of Wisconsin, to the sheriff or any constable of said county, or to the marshal or policemen of the said city, and to the keeper of the common jail of said county, greeting:

Whereas, the said city of Two Rivers, on the —— day of ——, 18—, recovered a judgment before the undersigned, justice of the peace in and for said city, against —— ——, for the sum of —— dollars, together with —— dollars and —— cents, costs of suit, for the violation of (section —— of chapter —— of this act, or section —— of an ordinance or by-law or regulation of said city, describing it by its title): You are hereby commanded to levy distress of the goods and chattels of the said ——, excepting such as the law exempts, and make sale thereof according to law to the amount of said sums, together with your fees, twenty-five cents

for this writ; and the same return to me within thirty days, and for want of such goods and chattels whereon to levy, to take the body of the said ——, and him convey and deliver to the keeper of the common jail in Manitowoc county; and said keeper is hereby commanded to receive and keep in custody in said jail, the said ——, for the term of ——, unless the said judgment, together with all the costs and fees, are sooner paid, or he be discharged by due course of law.

Given under my hand, this —— day of ——, 18—.

C. D., Justice of the Peace.

Form of commitment.

The form of the commitment shall be substantially the same as that of the execution, omitting all that relates to the levy and sale and return of writ.

Defendant may appeal.

SECTION 10. In any case the defendant may appeal from such judgment to the circuit court of the county of Manitowoc: *provided*, that such defendant within twenty-four hours, enter into a recognizance, with one or more sufficient sureties, to be approved by such justice, conditioned to appear before said court, and abide the judgment of the court therein. The justice from whose judgment an appeal shall be taken, shall make a special return of the proceedings had before him, and shall forthwith cause the summons or warrant and return, together with the proceedings and a copy of the entries in his docket in the action, together with the recognizance, to be filed in the office of the clerk of said court; and the city may appeal from any such judgment as in other cases before justices of the peace.

To stand for trial by jury.

SECTION 11. Said appeal shall stand for trial by jury, unless a jury be waived in the manner provided by law, in said circuit court, and the next term thereof after the day the judgment of the justice shall be rendered, and no notice of trial shall be required to be given to or by either party.

Penalty—how enforced.

SECTION 12. If the judgment of the justice shall be affirmed, or if, upon the trial, the defendant shall be convicted, the court shall inflict the penalty provided by this act, or the ordinance, resolution, by-law, or regulation under which he or they are prosecuted, and enter judgment against him or them and their sureties for such penalty, together with the costs in both courts, and enforce the same by execution as in actions of tort.

Not incompetent.

SECTION 13. No person shall be an incompetent judge, justice, juror or witness by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

Village ordinances to apply.

SECTION 14. All ordinances and regulations now in force in the village of Two Rivers, and not inconsistent with this act, shall remain in force until altered, modified or repealed by the common council, after this act shall take effect.

Actions vested in city.

SECTION 15. All actions, rights and penalties, fines and forfeitures, in suits or otherwise, which have arisen or accumulated under the several ordinances or acts incorporating Two Rivers village, shall be vested in and prosecuted by the corporation hereby created.

Process—how served.

SECTION 16. When any suit or action shall be commenced against said city, the service thereof shall be made by leaving a copy of the process of summons with the mayor or clerk of said city, and it shall be the duty of said mayor or clerk so served, forthwith to inform the common council thereof, or to take such demand or proceeding as by the ordinance or resolution of said council may be in such cases provided.

Disposition of penalties.

SECTION 17. All penalties and forfeitures recovered and collected under and by virtue of this act, shall be paid into the city treasury for the use and benefit of said city.

CHAPTER XIII.

THE HARBOR.

Docks and wharfs.

SECTION 1. The common council of said city shall have power, by ordinance, to establish dock and wharf lines upon the banks of the rivers in said city; whenever the same are not established, to restrain and prevent encroachments upon said rivers and obstructions thereto, and to construct, alter and maintain, or, cause to be constructed, altered or maintained, at the expense of the city, docks or wharfs along the banks of said rivers, where the same are not by law required to be constructed and maintained at the expense of the owners of the lots bounded on said river.

River banks.

SECTION 2. The common council shall have power to dock and require the docking of the rivers within the limits of said city, and to protect and require the protecting of the banks of any stream or creek emptying in said rivers, so as to prevent the washing away of such banks, and to prevent sand and other obstructions from washing into said rivers, and may, by ordinance, require the docking of the banks of said rivers, and the repairing of any docks, and the filling of any lots abutting thereon, and the protecting of the banks of any creek, gutter or water-course emptying into said rivers,

by the owner or owners of the pieces or parcels of land, lots or docks adjoining or abutting on said rivers, gutter or water-course, in such manner and within such reasonable time as the common council shall prescribe. And if any owner or owners of such lots, lot, piece or parcel of land so adjoining or abutting, shall neglect or refuse to build or repair such docks or other protection, or to comply with any of the requirements of such ordinance, the common council may let such docking, repairing, filling or protecting, by contract, to the lowest responsible bidder for the same; and when it shall be completed according to such contract, the whole expense of such work shall be charged and levied against and collected from each particular lot or parcel of land in front of or along which such work has been done, and a certificate shall be issued to such contractor, as provided in section six, chapter six of this act.

Dredging.

SECTION 3. Said city council shall have power to provide by ordinance for dredging East and West rivers, and to require of the owners of lots or lands abutting on said rivers to dredge the same opposite such lots to the width of twenty (20) feet, in such manner and to such depth, and within such time as the council may direct; and the earth excavated from the bed of said rivers may be deposited upon such lot or lots or be otherwise disposed of. And if the owner or owners of such lot or lots shall refuse or neglect, within the time specified by said council, to do such dredging, the common council may let such dredging by contract to the lowest responsible bidder for the same; but the common council may, at the same time, cause the rivers to be dredged to the same depth in front of streets and other places in said rivers where such dredging shall be chargeable against the city, contiguous to the points required to be dredged by such ordinance within the limits prescribed in such ordinance. And when the dredging in front of such lots shall be completed according to such contract, and accepted by the council, the expense of such dredging shall be charged and levied against the particular lots of land in front of which such dredging has been done, and the mayor and and city clerk shall issue a certificate to such contractor as provided in section six of chapter six of this act, for the contract price of the work, which certificate shall from time to time be a lien upon said lot or lots the same as other special assessments, and shall be collected in the same manner as the taxes assessed on real es-

Village ordinances to apply.

SECTION 14. All ordinances and regulations now in force in the village of Two Rivers, and not inconsistent with this act, shall remain in force until altered, modified or repealed by the common council, after this act shall take effect.

Actions vested in city.

SECTION 15. All actions, rights and penalties, fines and forfeitures, in suits or otherwise, which have arisen or accumulated under the several ordinances or acts incorporating Two Rivers village, shall be vested in and prosecuted by the corporation hereby created.

Process—how served.

SECTION 16. When any suit or action shall be commenced against said city, the service thereof shall be made by leaving a copy of the process of summons with the mayor or clerk of said city, and it shall be the duty of said mayor or clerk so served, forthwith to inform the common council thereof, or to take such demand or proceeding as by the ordinance or resolution of said council may be in such cases provided.

Disposition of penalties.

SECTION 17. All penalties and forfeitures recovered and collected under and by virtue of this act, shall be paid into the city treasury for the use and benefit of said city.

CHAPTER XIII.

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River banks.

SECTION 2. The common council shall have power to dock and require the docking of the rivers within the limits of said city, and to protect and require the protecting of the banks of any stream or creek emptying in said rivers, so as to prevent the washing away of such banks, and to prevent sand and other obstructions from washing into said rivers, and may, by ordinance, require the docking of the banks of said rivers, and the repairing of any docks, and the filling of any lots abutting thereon, and the protecting of the banks of any creek, gutter or water-course emptying into said rivers,

by the owner or owners of the pieces or parcels of land, lots or docks adjoining or abutting on said rivers, gutter or water-course, in such manner and within such reasonable time as the common council shall prescribe. And if any owner or owners of such lots, lot, piece or parcel of land so adjoining or abutting, shall neglect or refuse to build or repair such docks or other protection, or to comply with any of the requirements of such ordinance, the common council may let such docking, repairing, filling or protecting, by contract, to the lowest responsible bidder for the same; and when it shall be completed according to such contract, the whole expense of such work shall be charged and levied against and collected from each particular lot or parcel of land in front of or along which such work has been done, and a certificate shall be issued to such contractor, as provided in section six, chapter six of this act.

Dredging.

SECTION 3. Said city council shall have power to provide by ordinance for dredging East and West rivers, and to require of the owners of lots or lands abutting on said rivers to dredge the same opposite such lots to the width of twenty (20) feet, in such manner and to such depth, and within such time as the council may direct; and the earth excavated from the bed of said rivers may be deposited upon such lot or lots or be otherwise disposed of. And if the owner or owners of such lot or lots shall refuse or neglect, within the time specified by said council, to do such dredging, the common council may let such dredging by contract to the lowest responsible bidder for the same; but the common council may, at the same time, cause the rivers to be dredged to the same depth in front of streets and other places in said rivers where such dredging shall be chargeable against the city, contiguous to the points required to be dredged by such ordinance within the limits prescribed in such ordinance. And when the dredging in front of such lots shall be completed according to such contract, and accepted by the council, the expense of such dredging shall be charged and levied against the particular lots of land in front of which such dredging has been done, and the mayor and and city clerk shall issue a certificate to such contractor as provided in section six of chapter six of this act, for the contract price of the work, which certificate shall from time to time be a lien upon said lot or lots the same as other special assessments, and shall be collected in the same manner as the taxes assessed on real es-

tate are collected; but no part of the expenses of any such dredging shall be paid by the city.

Harbor-master. SECTION 4. The common council shall annually appoint a harbor master on whom may be conferred the duties of bridge-tender. The duties and compensation of such harbor master and bridge-tender shall be prescribed by the common council by ordinance. His term of office shall be one year, and until his successor is appointed and qualified; but he shall be subject to removal, at any time, by the common council.

Approved March 12, 1878.

[No. 272, A.] [Published March 21, 1878.]

CHAPTER 159.

AN ACT to revise the charter of the city of Chippewa Falls.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

CHAPTER I.

Incorporated. SECTION 1. All that district of country in the county of Chippewa, hereinafter described, shall be and remain a city by the name of Chippewa Falls, and the people who now, or who may hereafter, inhabit said district, shall be a municipal corporation by the name of the city of Chippewa Falls, and shall have the general powers possessed by municipal corporations at common law, and also the powers hereinafter specially granted, and the authorities thereof shall have perpetual succession, and shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded with, in all courts of law and equity, and shall have a common seal, and may change and alter the same, at pleasure.

CHAPTER II.

Boundaries. SECTION 1. The south half of section number thirty-one (31), and the southwest quarter of section thirty-two (32), in township number twenty-nine (29) north, of range number eight (8) west; also the east one-half of section number one (1) and lots one (1) and two (2), in section twelve (12), in township number twenty-eight (28), range number nine (9); all of section number six (6), except lot number one (1) therein; also lot

number four (4), in section number seven (7), and lots five (5) and six (6), and the west half of the northwest quarter, and the northeast quarter of the northwest quarter of section number five (5), all in township number twenty-eight (28), north, and of range eight (8) west, and the northwest quarter of the northeast quarter, and lots seven (7) and eight (8), in section five (5), township twenty-eight (28) north, and of range eight (8) west; and also the southeast quarter of section thirty-two (32), in township twenty-nine (29) north, and of range eight (8) west, shall be included within and constitute the territory comprising the city of Chippewa Falls.

Ward boundaries.

SECTION 2. The city shall be divided into four (4) wards. All that portion lying north of the Chippewa river, and east of Bridge street and south of Columbia street, and of the highway running easterly therefrom, shall constitute the first ward. All that portion lying north of the Chippewa river, west of Bridge street, and south and west of a line running on Columbia street to the westerly limit of the original plat of the village of Chippewa Falls, thence north to Mansfield's addition, thence west to the city limit, shall constitute the second ward. The remainder of the city shall be divided by a line running on Bridge street until it intersects the quarter line at its end, thence north to the city limit. All west of said line not included above, shall constitute the third ward, and all east of said line not included above, shall constitute the fourth ward.

CHAPTER III.

Elections.

SECTION 1. The annual election for ward and city officers shall be held on the first Tuesday of April of each year, at such place in each ward as the common council shall designate; and the polls shall be kept open from nine o'clock in the forenoon till five o'clock in the afternoon, and ten days' previous notice shall be given by the city clerk, in such a manner as the common council shall direct, of the time and place of holding such elections, and of the city and ward officers to be elected.

Elective officers

SECTION 2. The elective officers of said city shall be a mayor, three alderman from each ward, a city treasurer, city clerk, city attorney, city physician, one assessor, and one justice of the peace, one constable and one supervisor for each ward, which said officers shall hold their respective offices, as follows :

Terms.

The mayor, aldermen, city treasurer, city clerk, city attorney, city physician and assessor, for one year. Justice of the peace and constables, for two years. The term of office shall commence on the second Tuesday in April of the year for which said officers are elected; each of said officers shall continue in office for his respective term and until his successor is elected and qualified. All other officers necessary to the proper management of the affairs of the city shall be appointed by the mayor, subject to the approval of the common council, and the term of office of all the appointive officers shall expire with that of the mayor who appointed them, unless herein otherwise provided.

Appointed officers.

Vacancies.

SECTION 3. Whenever a vacancy shall occur in the office of mayor, alderman or justice, such vacancy shall be filled by a new election, which shall be ordered by the common council within ten days after such vacancy shall occur. Any vacancy happening in any other office shall be filled by the common council. The person elected or appointed to fill any vacancy shall hold his office, and discharge the duties thereof for the unexpired term, and shall be subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Qualifications.

SECTION 4. The mayor, treasurer, city clerk, city attorney, city physician and assessor, shall be freeholders and qualified voters of the city of Chippewa Falls, and the ward officers shall be qualified voters and freeholders or householders, in the ward in which they are elected. When an election shall be closed, the canvassers shall proceed to count the votes cast for each and every legal candidate voted for, and shall make a return thereof to the city clerk on the day following the election, and on the second day after the election the city clerk, city attorney and the mayor shall proceed to canvass the said votes by said returns, and shall file in the office of the city clerk a written statement of the whole number of votes cast for each office, and the number cast for each candidate therefor, duly subscribed by a majority or all of the said board of canvassers, and the city clerk shall, within three days thereafter, give notice to each person elected, of his election. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by the aldermen of each ward in the same manner, and the returns shall be made in the same form and manner as of annual elections, and within such time as may be prescribed by ordinance. Any officer removing from

Canvass of votes.

What to constitute vacancy.

the city, or any ward officer removing from the ward for which he is elected, or any officer who shall neglect or refuse for ten days after notice of his election or appointment to qualify and enter upon the discharge of the duties of his office shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein prescribed.

Challenges.

SECTION 5. If either of the inspectors at any general or special election shall suspect that any person offering to vote does not possess the qualifications of an elector, or if such vote shall be challenged by an elector, the inspectors before receiving the vote of any such person, shall require him to take the following oath: You do solemnly swear (or affirm, as the case may be) that you are twenty-one years of age, and that you are a citizen of the United States (or have declared your intention to become a citizen conformably with the laws of the United States on the subject of naturalization); that you have been an actual resident within the city of Chippewa Falls for one year, and within this ward for thirty days immediately preceding this election, and that you have not voted at this election, and that you have made no bet or wager, or become directly or indirectly interested in any bet or wager depending on the result of this election, which oath any member of the board of inspectors is hereby authorized and empowered to administer, and if the person offering to vote shall take such oath falsely, he shall be deemed guilty of willful and corrupt perjury, and upon conviction thereof, upon indictment or information, shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or if any person duly qualified shall vote in any other ward than the one in which he resides, or shall vote more than once at any one election, he shall forfeit and pay a sum not exceeding one hundred dollars nor less than twenty five dollars. It shall be the duty of the inspectors of election to keep a list of all the names of all persons whose votes may be challenged as aforesaid, and who shall swear in their votes; and if any inspector shall knowingly and corruptly receive the vote of any person not authorized to vote, or shall make out false returns of an election or if any clerk shall willfully omit to write down the name of every voter as he votes or shall willfully make untrue or incorrect counts or tallies of votes, such inspector or clerk shall be liable to indictment or punishment by information, and on conviction thereof shall

Penalty for illegal voting.

List of challenged persons.

Liability of inspectors.

forfeit and pay a sum not exceeding five hundred dollars, nor less than one hundred dollars.

Annual elections.

SECTION 6. The first election under this act shall be held on the first Tuesday in April, 1878, and elections shall be held annually thereafter. The present city officers of said city shall hold their offices for the time they were elected.

Elections.

SECTION 7. All the elections shall be conducted by the aldermen of each ward, and by two clerks elected from the bystanders, upon election morning; and if the aldermen, or either of them are not present, their places may be filled by election from the persons present, who shall proceed to discharge the duties of clerks and inspectors in the same manner as is provided by statute for town meetings.

Who entitled to vote.

SECTION 8. All persons entitled to vote for county and state officers, and who shall have resided in the city one year, and within the ward where they offer to vote for thirty days next preceding the time of holding said election, shall be entitled to vote for any officer elected under this act; a residence shall be construed to mean the place where such elector lodges.

Elections to be by ballot.

SECTION 9. All elections by the people shall be by ballot, on which the names of all officers voted for shall be written or printed. A plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council, at such time and in such manner as they shall direct.

CHAPTER IV.

Oath of office.

SECTION 1. Every person elected or appointed to any office under this act shall, before he enters upon the duties of his office, take and subscribe the oath of office prescribed in the constitution of this state; and file the same, duly certified by the officer administering the same, with the city clerk; and the treasurer, clerk and such other officers as the common council may direct, shall each, before entering upon the duties of his office, execute to the city a bond, with two or more sureties, the aggregate amount of whose property within the state, over and above all their respective debts, exemptions and liabilities, as shown by their several and respective affidavits, attached to or inclosed in such bonds; and said bonds shall respectively contain such penal sums and such conditions as the com-

Bonds.

mon council may deem proper, and shall be subject to the approval of said council. And the common council may, from time to time, require new or additional bonds and remove from office any officer refusing or neglecting to give the same. All official bonds executed to the city of Chippewa Falls, except that of the city clerk, shall be filed with and safely preserved by the city clerk in his office, unless the common council shall otherwise direct. The bonds of the city treasurer and of the city clerk, and of all officers who may be charged with the collection or safe keeping, or the disposition or disbursement of any of the funds of said city, or may have any control over such funds, at any time, shall be duly witnessed and acknowledged, and recorded in the office of the register of deeds of Chippewa county. A transcript from the records of such bonds in the office of the register of deeds or clerk, duly certified by such register or clerk, shall be evidence of the due execution and contents of the bonds so recorded, in case of the loss of the originals. The bond of the city clerk shall be filed with the city treasurer.

Additional bonds may be required.

Bonds to be recorded.

SECTION 2. The mayor shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all officers of the city discharge their respective duties. He shall, from time to time, give the common council such information and recommend such measures as he may deem advantageous to the city. When present, he shall preside at the meeting of the common council, and shall only vote therein on an equal division of the members present. The mayor shall be the chief executive officer of the city, and head of the fire department and of the police, and in case of a riot or other disturbance he may appoint as many special or temporary policeman as he may deem necessary. Any ordinance, resolution or appropriation, which shall have been duly passed by the common council, shall be in force unless disapproved by the mayor, within three days, who shall state his objections thereto in writing, to the common council at its next regular meeting. The council shall thereupon reconsider the vote passing such ordinance, resolution or appropriation, and if, after such reconsideration, two-thirds of all the aldermen elected to such council, shall vote for the passage of such ordinance, resolution or appropriation, the same shall be in force; otherwise it shall be null and void. All such votes on the passage of any such ordinance, resolution or appro-

Power and duties of mayor.

priation, after the objections of the mayor are read, shall be taken by yeas and nays, and entered upon the journal of the council.

Power and duties of president of council.

SECTION 3. At the first meeting of the common council in each year, after the annual city election, or as soon thereafter as may be, they shall proceed to elect, by ballot, one of their number president, and in the absence of the mayor, the president shall preside over the meetings of the common council; and during the absence of the mayor from the city, or his inability from any cause, to discharge the duties of his office, the president shall execute all the powers and discharge all the duties of the mayor. In case the mayor and president shall be absent from any meeting of the common council, the members present shall proceed to elect a temporary presiding officer, who, for the time being, shall discharge the duties of mayor. The president or temporary presiding officer, while presiding over the council or performing the duties of mayor, shall be styled acting mayor, and all acts performed by him shall have the same force and validity as if performed by the mayor.

Powers and duties of clerk.

SECTION 4. The clerk shall keep the corporate seal and all papers and records of the city, except as otherwise herein provided, and shall keep a record of the proceedings of the common council, whose meetings it shall be his duty to attend; he shall also keep a record of the official bonds of all officers required by this act or the ordinances of the common council, and shall record all contracts made by or with the city, in a book to be kept for that purpose, and copies of all papers filed or recorded in his office, and transcripts from the records of the common council, and from the records of official bonds, certified by him under the corporate seal, and from contracts with the city recorded by him as provided by this section, shall be evidence in all courts, to the same extent as the originals would be if produced; he shall draw and countersign all orders on the city treasury, in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof in books provided for that purpose; he shall file in his office all chattel mortgages presented to him for that purpose, and safely keep and record the same as provided in the general laws of this state for filing and recording chattel mortgages in town clerk's offices, receiving the same fees allowed by law to town clerks, and all chattel mortgages so filed and recorded shall be valid, and have the same effect as if

the same had been filed in the town clerk's office of any town; he shall keep an accurate account with the treasurer, and charge him with all tax lists delivered to him for collection, and all moneys paid into the treasury; it shall also be his duty to do and perform any act required to be done by clerks of towns, not inconsistent with the provisions of this act, and he shall have power to administer oaths and affirmations. Whenever the clerk shall be absent from any meeting of the common council, the council shall appoint a clerk *pro tempore*.

Duties of attorney.

SECTION 5. The city attorney shall conduct all the law business of the corporation, and of all departments thereof, and all other law business in which the city shall be interested, when so directed by the common council. He shall, when requested, furnish written opinions on subjects submitted to him by the mayor or by the common council, or by any of its committees, or by any other department of the municipal government. He shall keep a docket of all the cases in which the city may be a party in any court of record, in which shall be briefly entered all steps taken in such cases, and said docket shall at all times be open to the inspection of the mayor or any member of the common council, or any city officer. It shall also be the duty of the city attorney to draft all indentures, bonds, contracts, leases, conveyances, and such other instruments in writing as may be required by the business of the city, to examine and inspect tax and assessment rolls, and all proceedings in respect to the levy and collection of taxes and assessments, and to perform such other duties as may be provided by the charter and ordinances of the city. He shall have power to appoint an assistant, who shall be authorized to do all acts required by law to be done by the city attorney: *provided*, that the city attorney shall be responsible to the city for all the acts of such assistant, and that the city shall not be liable for the compensation of such assistant, nor have any power to pay the same. The city attorney shall receive for services an annual salary, to be fixed by the city council, payable monthly.

Duties of treasurer.

SECTION 6. The city treasurer shall perform all the duties required of him by law; collect all city, county and state taxes, and pay over the moneys in his hands according to law. He shall keep, in a proper book, an account of all moneys received and of all moneys paid out, and the same shall at all times be open to the inspection of the voters of said city. He shall make re-

ports monthly, and render an itemized account to the common council of all sums received, when and by whom the same was paid, and also of all moneys by him paid out, which shall be published in the city papers; such reports to state the amount of money on hand. The treasurer of the city of Chippewa Falls, in no case shall receive more than three per cent. on the sums by him collected, and shall be ineligible for one year next succeeding the termination of his office.

Duties of assessor.

SECTION 7. The assessor shall assess all the taxable property of the city of Chippewa Falls as required by law, without regard to wards, and shall complete and return his assessment roll in the manner hereinafter provided, and receive such compensation as the council may determine.

Duties of city physician.

SECTION 8. The city physician shall have charge of all the sick under the care of the city, and render for them such medical and surgical aid as their condition requires, and in his judgment becomes necessary for their restoration to health, and shall discharge such other and further duties concerning the sanitary condition of the city as the mayor and aldermen may impose.

Justices of the peace.

SECTION 9. The justices of the peace, authorized by this act, shall have and exercise all the powers and be subject to the same liabilities as justices of the peace in towns, and their jurisdiction shall be co-extensive with the limits of Chippewa county, and they shall have jurisdiction over and cognizance of all actions and proceedings, the same as other justices of the peace in the said county of Chippewa, and all proceedings before them shall be governed and regulated by the general provisions of law now in force in regard to actions and proceedings before all courts held by justices of the peace, and they shall also have jurisdiction of all offenses against the ordinances and regulations established by the mayor and common council, and they may hold their offices in any portion of the city: *provided*, that no two of them shall hold their offices in the same room: *and provided further*, that their official bonds be approved by the mayor and city clerk. The common council of said city may require a bond from each and all of said justices, to pay over all moneys belonging to the city which may come into their hands; and they shall report monthly to the common council the amount of moneys in their hands belonging to the city; and shall pay the same to the city treasurer, taking his receipt therefor, which receipts shall be attached to their reports.

SECTION 10. The constables shall possess the same power as constables elected by towns under the general laws of this state, and also the powers of police officers under the charter and ordinances of the city of Chippewa Falls. **Constables.**

SECTION 11. The common council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed; and to prescribe the duties and fix the compensation of all officers elected or appointed by them; such compensation shall be fixed by resolution at the time the office is created, or at the commencement of the year. The common council shall by resolution, fix the salary or fees of all other officers of said city, who are to be elected for the ensuing corporate year, entitled to compensation for their services at the first regular meeting in March of each year: *provided*, that the present common council may fix the salaries of officers for the coming corporate year at any meeting held during the month of March, 1878, and the compensation of the officers so fixed shall not be increased or diminished during the corporate year for which such resolution may be adopted. In case the common council shall fail to fix the compensation of any city officer as aforesaid, then every such officer shall receive the same compensation as that received by his immediate predecessor in office. **Further duties may be required** **Compensation.**

SECTION 12. The common council, at their first meeting in each year, or as soon thereafter as may be, shall designate one or more newspapers printed in said city, in which shall be published all ordinances and proceedings, and matters required by this act, or by the by-laws or ordinances of the common council, to be published in a public newspaper, which printing shall be let by contract to the lowest bidder or bidders. The city printer or printers, immediately after the publication of any notice or ordinance or resolution, or by-law, which by this act is required to be published, shall file with the clerk of the city a copy of such publication, with his or their affidavit, or the affidavit of his or their foreman, of the length of time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance, by-law or resolution, and the clerk shall file the same in his office. **Official newspaper.** **Affidavit of publication.**

CHAPTER V.

THE COMMON COUNCIL AND ITS POWERS.

Common council.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be: "The mayor and common council of the city of Chippewa Falls do ordain," etc. The common council shall meet at such time and places as they by resolution shall direct. A majority of the aldermen shall constitute a quorum.

Meetings.

SECTION 2. The common council shall hold their first annual meeting in each year on the second Tuesday in April, and thereafter stated meetings at such times as they shall appoint, and the mayor may call special meetings by notice to each of the members to be served personally or left at their several places of of abode. The common council shall determine the rule of its own proceedings, and be the judge of the election and qualification of its own members, and have the power to compel the attendance of absent members.

Finances.

SECTION 3. The common council shall have the management and control of the finances, except school moneys, and all of the other property in the city, and shall likewise, in addition to the powers herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, resolutions and by-laws for the government and good order of the city, for the suppression of vice, for the prevention of crime, and for the benefit of the trade, commerce and health thereof, and so enforce, as they shall deem expedient; declaring and imposing penalties, and so enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules and by-laws; and such ordinances, rules and by-laws are hereby declared to be and have the force of law: *provided*, that they be not repugnant to the constitution and laws of the United States or of this state, and for these purposes shall have authority, by ordinance, resolution or by-laws:

Powers of council.

Showmen, etc.

1st. To license, suppress and prohibit the exhibition of common showmen or shows of any kind, or exhibitions of caravans, circuses or theatrical performances, billiard tables, bowling saloons, nine or ten pin alleys; and to provide for the abatement and removal of all nuisances under the ordinances of said city, the laws of the state or at common law; and may grant

licenses for and regulate groceries, taverns, victualing-houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and may prohibit and suppress the same: *provided*, that the license for so dealing in or vending spirituous, vinous or fermented liquors shall not be less than one hundred dollars nor more than three hundred dollars, except druggists' licenses, which shall in no case exceed twenty-five dollars; and that all such licenses hereafter granted shall run from the first day of May in each year: *provided, however*, that when any such license may be applied for after that date, the same may be granted, to expire on the said first day of May of each year, on the applicant paying *pro rata* therefor, but no license shall be granted for a longer term or period than one year.

Gaming, liquors, hawkers and peddlers.

2d. To restrain, prohibit and suppress all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice, or other games of chance, with or without betting; and to restrain, prohibit and suppress any person or persons from vending or giving away or dealing in any spirituous, fermented or vinous liquors, unless duly licensed by the common council, and to license, regulate and suppress hawkers and peddlers.

Riots, etc.

3d. To prevent any riots, noise, disturbance or disorderly assemblages; to suppress and restrain disorderly houses or groceries and houses of ill-fame, and to authorize the destruction of all instruments used for the purposes of gambling. No person shall be incapacitated or excused from testifying touching any offense committed against any of the provisions of this act, or any ordinance of the city of Chippewa Falls, by reason of him or her being implicated in any such offense, but the testimony of such witness shall in no case be used against said witness.

Testimony in certain cases.

Abatement of nuisances.

4th. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome, nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be deemed necessary for the health and comfort and convenience of the inhabitants of said city.

Slaughter-houses and gunpowder.

5th. To direct the location and management of slaughter houses and markets, and to establish rates for and license venders of gunpowder, and to regulate the storage, keeping and conveying of gunpowder or other combustible materials.

Encumbrance of streets, etc.

6th. To prevent the encumbering of the streets, side-

walks, lanes or alleys, with railroad cars, locomotives, engines, carriages, carts, wagons, sleighs, boxes, lumber, pine wood, or any other material or substances whatever.

Horse-racing, swimming, etc.

7th. To prevent horse racing, immoderate riding or driving in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city.

Running at large of horses, etc.

8th. To restrain the running at large of horses, cattle, swine, sheep, poultry and geese, and to authorize the distraining of the same.

Dogs.

9th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinances.

Putrid carcasses, etc.

10th. To prevent any person from bringing, depositing or having within said city any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, or putrid or unsound beef, pork, fish, hides or skin, or substances of any kind, and in default, to authorize the removal thereof by some competent officer at the expense of such person or persons.

Ponds, water-works, street-lamps, hackmen, etc.

11th. To make and establish public ponds, pumps, wells, cisterns and reservoirs, and to provide for the erection of water works for the supply of water to the inhabitants; to erect lamps, and to regulate, license and suppress omnibus drivers, hackmen, coachmen, cartmen, draymen, and the charges of hackmen, coachmen, omnibus drivers, cabmen, cartmen, draymen, and all others who may pursue like occupations in this city; and to provide for lighting the streets, public grounds and public buildings, with gas or otherwise.

Boards of health, burial of dead, etc.

12th. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead, and the returns of bills of mortality, and exempt burial grounds set apart for public use from taxation.

Bread.

13th. To regulate the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

Sidewalks.

14th. To prevent all persons riding or driving any ox, mule, cattle or other animals on the sidewalks in said city, or in any way doing damage to sidewalks.

Fireworks.

15th. To prevent the exhibition of any fireworks in any situation which may be considered by the council dangerous to the city or property therein, or annoying to any citizens thereof.

16th. To restrain drunkenness or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same. **Drunkenness, etc.**

17th. To restrain and regulate runners and solicitors for boats, vessels, stages, public houses, or other establishments, and to establish and regulate the police of the city. **Police, and runners.**

18th. To establish public markets and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations. **Public markets**

19th. To license and regulate butchers' stalls, shops and stands for the sale of game, poultry, butchers' meat, butter, fish and other provisions. **Meat, poultry and produce.**

20th. To regulate the place and manner of weighing and selling hay, and measuring and selling fuel and lime, and to appoint suitable persons to superintend the same, to appoint fish inspectors as herein provided, and to appoint a lumber and shingle inspector. **Hay, lime and fuel.**

21st. To compel the occupants of buildings and grounds to remove snow, dirt or rubbish from the sidewalks, streets or alleys, opposite thereto.; and to compel said owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct, and in his default, to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant. **Obstruction of sidewalks.**

22d. To regulate, control and prevent the landing of persons from boats or vessels wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city. **Public landing.**

23d. To regulate the time, place and manner of holding public auctions and vendues. **Auctions, etc.**

24th. To appoint watchmen and prescribe their duties. **Watchmen.**

25th. To provide by ordinance a standard of weights and measures, and for the punishment of the use of false weights and measures. **Weights and measures.**

26th. To protect trees and monuments in said city. **Trees and monuments.**

27th. To prescribe and regulate the construction of sewers within the city. **Sewers.**

28th. To lay out, make, open, keep in repair, alter or discontinue any highways, streets, lanes and alleys, and to keep them free from incumbrances, and to protect them from injury. **Streets and highways.**

Change of name

29th. To alter or change the name of any street in the city.

Public buildings.

30th. To locate, purchase sites, and let contracts for the erection and construction of public buildings.

Ordinances, etc

31st. To make, ordain, amend and repeal all such ordinances, by-laws and police regulations not contrary to the constitution of the state, for the good order and government of the city and which may be necessary or expedient to carry into effect the powers vested in the mayor and common council, or any officer of said city, by this act; or which may be vested in any officer of said city by any ordinance thereof.

Ordinances—how enacted.

SECTION 4. All laws, ordinances, regulations and by-laws shall be passed by an affirmative vote of a majority of the common council, and shall within fifteen days after their passage, respectively, be published in the official paper or papers, of said city, once before the same shall be in force, and within fifteen days thereafter they shall be recorded by the city clerk in books to be provided for that purpose; but before any of said laws, ordinances, regulations or by-laws shall be recorded, the publication thereof, respectively, within said time, shall be proved by the affidavit of the foreman or publisher of such newspaper, and said affidavit shall be recorded herewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication; and such record of such law, ordinance, regulation or by-law, and the proof of such record, certified by the clerk, under the seal of the city, or any printed book containing the same, purporting to have been published under the sanction of the mayor and council, shall be *prima facie* evidence of the due passage and publication of such law, ordinance regulation or by-law. No appropriation shall be made without a vote of a majority of the members of the common council in its favor, taken by yeas and nays, which vote shall be recorded in full by the clerk.

Evidence.

Shall not hinder suits.

SECTION 5. The powers conferred upon the said council to provide for the abatement of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Depots, houses or buildings of any kind wherein more than ten pounds of gunpowder are deposited, stored or kept at any one time, gambling houses, houses of ill-fame, disorderly taverns and houses and places where spirituous, vinous or fermented liquors are sold without the license thereof, within the city limits, are hereby declared and shall be deemed public or common nuisances.

Nuisances defined.

SECTION 6. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, and all other officers or agents of the city, at such time as they may deem proper, and also at the end of each year, and before the time for which the officers of said city are elected or appointed shall have expired. And the common council shall require each and every officer and agent to exhibit his books, funds and moneys, accounts and vouchers for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of said council in the discharge of said duties, in pursuance of this section, or shall neglect or refuse to render his accounts or present his books, funds, moneys and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant, and the common council shall order suits and proceedings at law against any officer or agent of said city, who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all adjustments and settlements.

Accounts to be examined and audited.

Penalty for failure to produce books, vouchers, etc.

SECTION 7. The corporate authority of said city shall be vested in one principal officer styled the mayor; in one board of aldermen, consisting of three members from each ward, together with such other officers as may be created under this act.

Corporate authority.

CHAPTER VI.

CLAIMS AND APPEALS.

SECTION 1. All accounts or demands against the city, before being acted upon or paid, the council may require the same to be verified by affidavit, except salaries and amounts previously fixed or determined by law, and any person who shall falsely swear to any such account or demand shall be deemed guilty of perjury, and shall be punished according to law.

Claims.

SECTION 2. When the claim of any person against the city shall be disallowed, in whole or in part, by the common council, such person may appeal from the decision of such council to the circuit court for the county of Chippewa, by causing a written notice of such appeal to be served on the clerk of said city within thirty days after the making of such decision, and executing a bond to said city, with sufficient surety, to be approved by said clerk, county judge or court commissioner, conditioned for the faithful prosecution of such

Appeals.

appeal, and the payment of all costs that shall be adjudged against the appellant by the court, and no more.

Duty of clerk in case of appeal.

SECTION 3. The city clerk, upon such appeal being taken, shall immediately give notice thereof to the mayor and aldermen, or shall take such measures as, by ordinance or resolution of said common council, he may be required to do, and shall make out a brief return of the proceedings in the case before said council, with their decision thereon, and shall file the same, together with the bond and all the papers in the case in his possession, with the clerk of the circuit court for the county of Chippewa, and such appeal shall be entered, tried and determined in the same manner as appeals from justices of the peace, and costs shall thereupon be awarded in like manner: *provided, however*, that whenever an appeal is taken from the allowance made by said common council upon any claim, and the recovery upon such appeal shall not exceed the amount allowed by said council, exclusive of interest upon such allowance, the appellant shall pay the cost of appeal, which shall be deducted from the amount of the recovery, and when the amount of costs exceeds the sum recovered, judgment shall be rendered against appellant for the amount of such excess.

Claim must first be presented.

SECTION 4. No action shall be maintained by any person against the city of Chippewa Falls, upon any claim or demand, other than a city bond or order, unless such person shall first have presented his claim to the common council of said city.

Perpetual bar in certain cases

SECTION 5. The determination of the common council disallowing, in whole or in part, any claim of any person, shall be final and conclusive, and a perpetual bar to any action in any court, founded on such claim, unless an appeal shall be taken from the decision and determination of such common council, as hereinbefore provided, or unless such council shall consent and agree to the institution and maintenance of an action by such claimant against the city: *provided, however*, that when the common council shall refuse or neglect to act upon any claim duly presented to them, this chapter shall not be so construed as to prevent the institution and maintenance of an action by said claimant against said city.

CHAPTER VII.

OPENING OF STREETS AND ALLEYS.

SECTION 1. The common council shall have power to lay out streets and alleys, and to widen the same, as follows: Whenever ten or more freeholders residing in any ward, shall, by petition, represent to the common council that it is necessary to take certain lands within the ward where such petitioners may reside, for the public use, for the purpose of laying out streets or alleys, or the enlarging of the same, the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises, if the same shall be known to such petitioners, to be set forth in said petition, the common council shall thereupon cause notice of such application to be given to the occupant or occupants of such lands, if any there be; or if any portion of said lands shall not be in actual occupation of any person, then the common council shall cause such notice, describing as near as may be the premises proposed to be taken, to be published in the official papers four weeks successively, at least once in each week. **Power to lay out streets and alleys.**

SECTION 2. Such notice shall state that on a day therein to be named, not less than ten days from the service of such notice, or the expiration of such publication as the case may be, application will be made to the county judge or a court commissioner for the county of Chippewa, for the appointment of twelve jurors to view said premises, and determine whether it will be necessary to take the same for the purpose specified in said petition. **Notice of application.**

SECTION 3. Upon the presentation of such application, and upon proof of the publication or service of the notice hereinbefore required, the said judge or court commissioner shall thereupon appoint twelve reputable freeholders, residents of said city, but not residents of the ward in which such premises may be, nor interested in the result of such application. The said judge or court commissioner shall thereupon issue his precept, directed to said jurors, requiring them within ten days to view the premises, to be specified in said precept, and to make returns under their hands to the common council, whether in their judgment it is necessary to take said premises for the purposes specified in such application. **Appointment of jurors.**

SECTION 4. Any constable of said city shall serve said precept immediately on the jurors herein named **Service of precept.**

by reading the same to every one that can be found; and immediately after such service he shall return the said precept to the judge or court commissioner who issued the same, together with his doings thereon.

Vacancies.

SECTION 5. If any of the jurors so appointed cannot be found, or shall be disqualified from acting, or shall refuse to act, the judge or court commissioner shall appoint others in their place, and a memorandum of such substitution shall be endorsed on the precept.

Oath of jurors.

SECTION 6. The said judge or court commissioner, or any justice of the peace, shall thereupon administer an oath to said jurors before entering upon the discharge of their duties, that they are freeholders of said city, and not interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trust reposed in them, which oath shall be filed in the office of the city clerk.

Viewing of premises.

SECTION 7. The said jurors, at such time as they shall agree upon, shall proceed in a body to view the premises in question, and shall hear such testimony as shall be offered by any party interested, which testimony shall be reduced to writing by one of the jurors, and either of the jurors shall be authorized to administer the necessary oaths to the witnesses. After viewing the premises in question, and hearing such testimony as may be offered, the jurors shall make a report of their proceedings, which shall be signed by them respectively, and which shall state whether, in their judgment, it is necessary to take the premises in question for the public use, which said report, testimony and precept, shall be returned to the common council within the time limited in the precept. Should the jurors report that it is necessary to take the premises, the common council shall enter an order among their proceedings confirming said report, and directing the same jurors, within twenty days thereafter, or such future time as shall be necessary, to again view said premises, for the purpose of ascertaining and determining the amount of damages to be paid to the owner or owners of said property proposed to be taken, and to assess and return, within the time limited, such damages to the common council; and after the jurors shall have made their report, as to the taking of any lands or premises under this act, and the same shall have been confirmed, the common council shall have power to appoint new jurors in the place of any who shall neglect or refuse to serve, in ascertaining the amount of compensation, as above, and all the jurors, before entering

Assessment of damages.

Report of jurors

upon the discharge of their duties in the premises, shall severally take an oath before some competent officer, that they are freeholders in said city, and are not interested in the premises to be taken, and that they will faithfully and impartially discharge the trust reposed in them.

Buildings.

SECTION 8. If there should be any building in whole or in part upon the land to be taken, the jurors, before proceeding to make their assessment, shall first estimate and determine the value of such building to the owner, aside from the value of the land, and the injury to him in having such building taken from him to remove.

Notice to owner

SECTION 9. At least ten days' personal notice of such determination shall be given to the owner or his agent, if known and a resident of the city, or left at his usual place of abode. If not known, or a non-resident, notice to all parties interested shall be given by publication in the official paper or papers of said city, three successive weeks, one in each week; such notice shall specify the building and the award of jurors. It shall also require the parties interested to appear by a day to be therein named, or give notice of their election to the common council, either to accept the award of the jurors and allow such building to be taken with the land appropriated, or their intention to remove such building. He shall have such time for this purpose as the common council may allow.

Buildings.

Council may sell.

SECTION 10. If the owner shall refuse to take the building at the value to remove, or fail to give notice of his election as aforesaid within the time prescribed, the common council shall have power to direct the sale of such building at public auction, for cash, giving ten days' notice of such sale. The proceeds shall be paid to the owner, or deposted to his use.

Damages and benefits.

SECTION 11. The said jurors, within the time limited, shall view and examine the premises proposed to be taken and, all such premises as will, in their judgment be injured or benefited thereby. After hearing such testimony, as may be offered, by any party interested, and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessment and determine and appraise to the owner or owners the actual value, in money, of the real estate so proposed to be taken; and the injury arising to them, respectively, in consequence of the taking thereof, which shall be awarded to such owners respectively as damages. In the estimates of the damages to the lands, the

jurors shall include value of the building or buildings (if the property of the owner of such lands), as estimated by them as aforesaid, less the proceeds of the sale thereof, or if taken by the owner at the value to remove, in such case they shall only include the difference between such value and the whole estimated value of such building or buildings, according to section eight (8) of this chapter.

In case of lease

SECTION 12. If the lands or buildings belong to different persons, or if the land be subject to lease, judgment or mortgage, or if there be any estate in it less than an estate in fee, the injury done to such persons or interests respectively, shall be awarded to them by the jurors.

Award of jurors

SECTION 13. The award of said jurors shall be signed by them and returned, together with the testimony taken, and the precept, to the common council, within the time limited in such precept.

Appeal.

SECTION 14. Any person whose property is taken, or against whom any assessment is made, may, within ten days from the return of the jurors to the common council, appeal from said assessment of damages to the circuit court of Chippewa county, by causing a written notice of such appeal to be served on the clerk of said city, and executing a bond in the manner prescribed in section two (2) of chapter six (6) of this act, and such appeal shall be tried by the court and jury as in ordinary cases. The common council shall also have the right to appeal by filing with the clerk a notice thereof within ten days as aforesaid.

To be paid for before appropriated.

SECTION 15. The land required to be taken for the purposes mentioned in this act shall not be appropriated until the damages awarded therefor to the owner thereof shall be paid or tendered to the owner or agent, or in case the said owner or agent cannot be found, or is unknown, deposited to his or their credit in some safe place of deposit, and then, and not before, such lands may be taken and appropriated for the purposes required, and the same shall thereafter be subject to all the laws and ordinances of the city, in the same manner as streets, alleys and public grounds opened or laid out.

When void.

SECTION 16. The damages assessed shall be paid or tendered, or deposited as herein required, within one year from the confirmation of such assessment and report, and if not so paid, tendered or deposited, all the proceedings in any such case shall be void.

May appropriate when pay is tendered.

SECTION 17. The city may pay or tender or deposit, as herein required, at any time within one year from

the confirmation of such assessment and report, the damages assessed in any such case; and whenever said damages have been so paid, tendered or deposited, it shall be the duty of the common council to enter an order among its proceedings to take and appropriate such lands for the purposes required.

Discharge of contract.

SECTION 18. When the whole of any tract or lot or other premises under lease or other contract shall be taken by virtue of this act, all covenants, contracts or engagements between landlord and tenant, or any other contracting parties, touching the same or any part thereof, shall, upon the confirmation of such report, respectively cease and be absolutely discharged.

Contract discharged in part.

SECTION 19. When only a part of a lot or tract of land, or other premises so under lease or other contract, shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements respecting the same, upon the confirmation of the report, shall be absolutely discharged, as to the part thereof taken, but shall remain valid as to the residue thereof; and the rents, considerations and payments reserved, payable and to be paid for, in respect to the same, shall be so proportioned so that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid or reserved for, or in respect to the same.

May appoint guardian.

SECTION 20. When any known owner of lands or tenements, affected by any proceedings under this act, shall be an infant, or labor under legal disabilities, the judge of the circuit court of Chippewa county, or in his absence, the judge of any court of record in said county may, upon the application of the common council, or such party or his next friend, appoint a guardian for such party, and all notices required by this act shall be served upon such guardian.

Survey.

SECTION 21. Whenever any public ground, street or alley shall be laid out, widened or enlarged under the provisions of this chapter, the common council shall cause an accurate survey thereof to be made and filed in the office of the city clerk.

CHAPTER VIII.

FINANCE AND TAXATION.

Disbursement of funds.

SECTION 1. All funds in the city treasury except school, state and county funds shall be under the control of the common council, and shall be drawn out upon the order of the mayor, countersigned by the clerk, duly authorized by a vote of the common coun-

cil, and in no other manner; and all orders drawn upon the treasurer shall specify the purposes for which they are drawn, and shall be payable generally out of any funds in the treasury belonging to the city, not otherwise appropriated. All orders shall be payable to the person in whose favor they may be drawn, or to the bearer thereof.

Tax levy.

SECTION 2. The common council shall annually levy upon the taxable property of said city, a tax sufficient to defray the current and lawful expenses of the same.

Debt.

SECTION 3. No debt shall be contracted against the city, or certificates of indebtedness drawn upon the city treasurer, unless the same shall be authorized by a majority of all the members of the common council, and no money shall be appropriated for any purpose whatever, except such as is expressly authorized by this act: *provided*, that the common council shall not issue in any one year orders upon the city treasurer to an amount greater than the amount of taxes levied under the provisions of this act for that year; *provided further*, that whenever it shall be necessary to build or repair bridges, a special tax may be levied for such purpose, not exceeding three thousand dollars in any one year, and the said taxes when so levied shall be collected at the same time as other city taxes are collected.

Bridge tax.

Special taxes.

SECTION 4. Special taxes may also be levied by the city council, at any regular meeting, for the purpose of paying the interest or principal of any outstanding bonds now due, or hereafter to become due, issued by the city of Chippewa Falls, or which may hereafter be issued by said city, by authority of law: *provided, however*, no greater tax shall in any one year be levied than shall be necessary to pay the amount which will be due on said bonds at the time such tax shall be collected by virtue of this act, or shall become due before the time appointed by law for assessing and levying the annual taxes. Said taxes, when so levied, shall be collected at the same time other city taxes are collected.

Powers and duties of assessor.

SECTION 5. The assessor elected under this act shall, within ten days after receiving notice of his election, take and file an official oath with the clerk of the city, and every such assessor shall be authorized to administer such oath as shall be required by this chapter and the laws of this state, and within such time as now or may hereafter be prescribed by the general laws of this

state relating to assessment, said assessor shall make out a complete and accurate assessment roll, which shall contain a description, as near as may be, of all the lands, lots or parcels of land within said city, sufficient to identify the same, and also of all persons or bodies politic liable to pay taxes on personal property, and opposite to each lot or parcel of land shall be affixed the value thereof, and opposite the name of each person or body politic shall be affixed the value of the personal property for which said person or body politic shall be assessed; where there are buildings upon any lot or parcel of land, the value of the same may be set forth in a separate column. Any omission to assess any real estate in the city to the owner, or as unknown, shall not affect the validity of the tax: *provided*, that such assessment rolls may be so made as to conform to this act, and the same are hereby declared to be matters of convenience, and not material to the validity of the taxes to be levied upon such assessment.

Notice of hearing complaints.

SECTION 6. When the assessment roll shall be completed, the assessor shall give one week's notice thereof in the official paper or papers and shall fix a time and convenient place, where he will hear any objections of parties deeming themselves aggrieved by such assessment, and after hearing the same the assessor shall make such alterations as justice or equity shall require: *provided*, the time of hearing such objections shall not be more than one week from the expiration of such notice.

Return of assessment roll.

SECTION 7. Within one week after the time limited for hearing such objections, the assessors shall return the said assessment roll to the board of equalization of the city. The board of equalization may supply omissions in said roll, and for the purpose of equalizing the same may alter and add to, take from and otherwise revise and correct the same: *provided, however*, the board of equalization shall not have the power to increase the amount of said roll, except by the value of such real property as may have been omitted by the assessors.

May supply omissions.

SECTION 8. If it shall appear to the assessor that any lot or parcel of land was omitted in the assessment roll of either or both of the preceding two years, and that the same was then liable to taxation, he shall, in addition to the assessment of that year, assess upon the lot or tract so omitted, for such year or years, that it shall have been so omitted, the just value thereof, noting the year when such omission occurred, and such

assessment shall have the same force and effect as it would have had if made the year when the same was omitted, and the common council shall direct in addition to the tax for the current year, such tax to be levied upon such lot or tract as the same would have been chargeable with had it not been omitted, and such tax shall be collected as other taxes for the current year. Should the tax or assessment upon any parcel of land be set aside or declared void by reason of any defect or informality in the assessing, levying, selling or conveying of the same, but not affecting the equity and justice of the tax itself, the common council shall cause the tax so set aside or declared void to be levied in such manner as they shall by ordinance direct: *provided*, that if the defect was in the assessment the same shall be again assessed at such time as the common council shall direct, and the said tax so assessed shall be levied and continue a lien upon such lot or tract, and shall be collected as other taxes are collected under this act.

Re-assessment.

Board of equalization.

SECTION 9. The mayor, treasurer, city clerk and assessor shall constitute the city board of equalization, and shall meet at the office of the city clerk on the first Monday of July in such year, at nine o'clock in the forenoon, and shall proceed in all respects as town boards are by law required to proceed, so far as the same is applicable in reviewing, correcting and equalizing the assessment roll of said city.

Council to levy tax.

SECTION 10. When the assessment roll shall have been revised and corrected, the same shall be filed with the clerk. Thereupon the common council shall, by resolution, levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized, not exceeding the authorized percentage, particularly specifying the purposes for which the same are levied.

Changes to be recorded.

SECTION 11. All changes of assessment rolls by the board of equalization shall be duly recorded by the city clerk.

Taxes to remain a lien.

SECTION 12. All taxes and assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be levied, from the time of the confirmation of such assessment roll, and on all personal property of any person or body politic, assessed for personal taxes, from the delivery of the warrant for the collection thereof, until such taxes shall be paid; and no sale or transfer of such real or personal estate shall affect said lien; any personal property belonging to the person

taxed may be taken and sold for the payment of taxes upon real or personal property.

SECTION 13. It shall be the duty of the city clerk immediately upon the reception of the corrected assessment rolls, and a certificate of the amount of state, county and school tax apportioned to said city, to calculate and carry out the total amount of such taxes, together with all the city and other local taxes with two per cent. upon the whole for the expense of collection, to be placed in a sufficient column prepared for that purpose in the assessment roll, placing opposite the several sums set down, as the valuation of real and personal property, the respective sums assessed as taxes thereon, in dollars and cents, rejecting the fraction of a cent when less than one half; otherwise, reckoning said fraction as a cent. Clerk to carry out tax.

SECTION 14. The city clerk shall immediately make out a duplicate copy of such assessment roll, when thus completed, and deliver the same to the treasurer on or before the second Monday in December in each year. Duplicate roll to be delivered to county treasurer.

SECTION 15. To each assessment roll so delivered a warrant, under the hand of the city clerk, and the corporate seal of said city, shall be annexed, substantially in the following form: Warrant.

To A. B., treasurer of the city of Chippewa Falls: Form of warrant.

You are hereby required to collect from the several persons and corporations named in the annexed tax list, and from the owners of real estate described therein, the taxes set opposite to the names of such persons, corporations and property, within the time limited by law, and to apply the taxes by you so collected, and make due returns thereof as required by law.

Dated —— day of ——, 187—.

—— ——, Mayor.

—— ——, City Clerk.

SECTION 16. The said assessment roll and warrant thereto attached shall be *prima facie* evidence, in all courts, that the lands and persons therein named were subject to taxation, and that the assessment was just and equal. Evidence.

SECTION 17. All the general laws of this state which are now or may hereafter be in force, relative to the assessment and collection of taxes, shall be in force in said city, except as otherwise herein specially provided, and the city treasurer shall proceed to collect the taxes of said city, in the same manner as is required by law of the town treasurers to collect taxes, except as herein provided. General laws to apply.

taxes. Delinquent returns shall be received by the county treasurer in payment of county taxes in the manner prescribed by the general laws of the state.

May anticipate payment of salaries.

SECTION 28. The council shall meet on Tuesday evening, two weeks previous to the holding of the charter election, for the purpose of disposing of its unfinished business, and shall not thereafter, during its term of office, allow any bills against the city, but may anticipate and provide for the payment of salaries of officers for the balance of their terms.

CHAPTER IX.

FIRE DEPARTMENT.

Fire limits.

SECTION 1. The common council, for the purpose of guarding against the calamities of fire, shall have the power to prescribe the limits within which wooden building or buildings, or other materials that shall not be considered fire proof, shall not be erected or repaired, and to direct that all and every building within the limits prescribed, shall be made and constructed of fire-proof materials; and to prohibit the repairing or re-building within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof; and to prescribe the manner of ascertaining such damage, and to prescribe the penalties for the violation of any resolution or ordinance passed under this section.

Construction of chimneys, etc.

SECTION 2. The common council shall have the power to prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in and about any building, and to cause the same to be removed or placed in a safe and secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire-buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of manufactures dangerous in causing or promoting fires; to regulate and prevent the use of fireworks and firearms; to compel the occupants and owners of buildings to have scuttles in the roof, and stairs or ladders leading to the same; to authorize the mayor, aldermen, and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons, and to compel all bystanders to aid in the extinguishment of fires,

Fire-buckets.

Firearms.

Preservation against fire.

and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires, as the common council may deem expedient; and to provide penalties for violation of any resolution or ordinance passed under this charter.

Penalties for violation.

SECTION 3. The common council shall have full power to purchase fire engines and other fire apparatus, and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded, and the meetings to be prohibited, and their apparatus to be delivered up. Each company shall not exceed seventy able-bodied men, between the ages of eighteen and fifty years, and may elect its own officers, except chief engineer and assistant engineers, who shall be appointed by the council, and form its own by-laws, not inconsistent with the laws of this state or the ordinances and regulations of said city, and shall be formed only by voluntary enlistments. Every member of said company hereby authorized to be formed shall be exempt from highway work and poll tax, and from serving on juries and military duty, except in cases of war, insurrection or invasion, during the continuance of such membership; and any person having served for the term of ten years in either of said companies shall be forever thereafter exempt from poll tax and military and jury duty, except as in cases before mentioned.

Purchase of fire engines, etc

Fire companies

Election of officers.

Exemptions.

SECTION 4. When any person shall refuse to obey the lawful order of any engineer or aldermen of the city, the mayor, or any public officer at any fire, it shall be lawful for the officer giving such order to arrest or direct orally any constable or watchman, or any citizen, to arrest such person and to confine him temporarily in any safe place until such fire shall be extinguished; and in the same manner such officers, or any of them, may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council may prescribe, not exceeding twenty dollars.

Penalty for disobedience.

SECTION 5. The common council shall have power to organize a sack company, or to countenance any such company now organized which shall be known by such name as they may select, and shall consist of not more than thirty members. Such company shall con-

Sack company.

stitute a part of the fire department, and at fires shall be subject to the control of the engineers. The members of said company, either collectively or individually, are hereby authorized and empowered to act as a special police in and for the city of Chippewa Falls, and are hereby vested with all the power and authority which now is, or may hereafter be vested in any other police officers of said city, and shall be entitled to all the rights and immunities of members of the fire department, except exemption from jury duty. At all fires they shall take charge of all property which may be exposed or endangered, and shall, as far as it may be in their power, preserve the same from injury or destruction. Such company may, from time to time, adopt such by-laws as they shall deem expedient, not contrary to the statutes of this state, or the ordinances of said city. The members thereof shall not be entitled to any compensation for services rendered in their official capacity. They shall, in case of riot or other disturbance of the peace, have access to all licensed places of amusement in the city, and shall perform such service as may be necessary for the peace and good order of the same.

Moneys of fire department.

SECTION 6. The treasurer of the fire department shall receive and pay out all moneys belonging to said department, and shall secure the faithful performance of his duty by his bond to said city, in such penal sum, as shall be required, and with sureties to be approved by the common council. Such moneys shall only be paid out on orders signed by the chief engineer, or acting chief engineer, and countersigned by the clerk of said department.

Secretary to return list.

SECTION 7. There shall be elected by the members of each company aforesaid, annually at their annual meetings, a clerk or secretary and a treasurer, who shall, on or before the first Monday of May in each year, return to the city clerk a list containing the name of each member of their respective companies, and when any member of either of said companies shall cease to be a member thereof, by resigation, expulson or otherwise, notice thereof shall be given to the city clerk.

Record of members.

SECTION 8. The city clerk is hereby required to keep a record of the members of the several companies organized under this chapter, and such record shall consist of the returns made by the several clerks or secretaries, as above provided; and no person shall be exempt from jury duty, unless the name is entered on such list. In case any person shall, for any cause,

cease to be a member of either of said companies, the clerk shall note that fact on the list thereof, and shall return to the clerk of the board of supervisors of the county of Chippewa a list of all persons who are members of either or all of said companies, exempt from jury duty, on or before the day now appointed for the annual meeting of said board, and said board shall not place the names of such persons on the jury list for the ensuing year.

List to be returned to board of supervisors.

CHAPTER X.

ACTIONS TO RECOVER PENALTIES, ETC.

SECTION 1. The city of Chippewa Falls, in its corporate name, may sue for, and recover any and all fines, penalties and forfeitures under this act, or under the ordinance, by law or police or health regulations made in pursuance thereof, or now in force, and not inconsistent with this act, and such action shall be commenced by complaint substantially in the following form:

Recovery of penalties.

FORM OF COMPLAINT.

Form of complaint.

—— —— Court—Chippewa county.

CITY OF CHIPPEWA FALLS against ——— ———. } Before —— ——.

STATE OF WISCONSIN, County of Chippewa, } ss.

——— ———, being duly sworn, complains on oath to —— ———, says that he, this complainant, knows, or has good reason to believe, that —— ———, on the —— day of —— A. D. 187—, at said city, did violate section ——, of chapter ——, of a general ordinance of the city of Chippewa Falls, entitled "an ordinance ——— ———;" which said ordinance is now in force, and was then and there guilty of ———, as the complainant verily believes: and prays that —— ———, may be arrested and held to answer therefor.

Subscribed and sworn before me this —— day of ——, A. D. 187—.

——— ———,

———.

It shall be sufficient to give the number of the section or sections, and the title of the ordinance, by-law or resolutions violated in the complaint, and such complaint may be sworn to before any officer authorized to administer oaths in this state. Upon the filing of such complaint in the office of any of the justices of the peace

Description of law violated.

Warrant.

within and for the city of Chippewa Falls, or in the office of the municipal judge in and for the county of Chippewa, such justice of the peace or municipal judge shall issue a warrant thereon, substantially as follows, to-wit:

Form of warrant.

FORM OF WARRANT.

County of Chippewa, City of Chippewa Falls—ss.
The state of Wisconsin: To the sheriff or any constable of said county, or public officer of the city of Chippewa Falls:

Whereas, —— —— has this day complained to me in writing, on oath, that —— ——, on the ——— day of ———, 187—, at said city, did violate section ——, of chapter ———, of a general ordinance of the city of Chippewa Falls, entitled "an ordinance ————," which said ordinance is now in force, and was then and there guilty of ———, as the complainant verily believes.

Therefore, in the name of the state of Wisconsin, you are commanded to arrest the —— —— of the said —— —— and bring ——— before me to answer to the city of Chippewa Falls, on the complaint aforesaid.

Given under my hand at Chippewa Falls, this —— day of ———, A. D. 187—.

—— ——.

May proceed or continue.

Upon the return of the warrant, the court may proceed summarily with the case, unless it be continued by consent or for cause or by order of the court. If the case be adjourned, the defendant, if required by the court so to do, shall recognize with sufficient surety for his appearance, in such sum as the court shall direct, or in default thereof, may be put in charge of the officer who made the arrest, or be committed to the common jail of Chippewa county, or to such other place of confinement as may be provided by the common council. The complaint made as aforesaid shall stand in lieu of a declaration, and the plea of not guilty shall put at issue all the subject matter of the complaint.

Evidence.

SECTION 2. A printed copy of an ordinance, by-law or regulation, passed by the common council, and published in an official newspaper, or in pamphlet or book form, purporting to be published by authority of the common council, shall be *prima facie* evidence of its due passage and publication, and shall be received in evidence on trail of all cases cognizable before the courts of this state.

SECTION 3. The municipal judge of the county of Chippewa shall have jurisdiction to try and determine actions to recover penalties and offenses against the charter, ordinances and regulations lawfully imposed by the city of Chippewa Falls. Jurisdiction conferred.

SECTION 4. Witnesses shall attend before any justice of the peace in and for the city of Chippewa Falls, or before the municipal judge for the county of Chippewa, in all actions for the violation of any ordinance, by-law or regulation of said city, without the payment of fees in advance, or a tender thereof, upon process duly served, and in default thereof, their attendance may be compelled by attachment. Witnesses must attend.

SECTION 5. In city prosecutions, for the violation of any ordinance, by-law or regulation of said city, no jury shall be allowed either party, and the finding of the court shall be guilty or not guilty; if guilty, the court shall render judgment thereon against the defendant, and adjudge that the defendant pay the fine, penalty or forfeiture contained in the ordinance, by-law, resolution or regulation for the violation of which the defendant shall have been found guilty, and for the costs of the suit upon such conviction, and in default of payment of such judgment, fine, penalty or forfeiture and the costs, the court shall adjudge and determine and enter upon the docket that such defendant be imprisoned in the county jail within and for the county of Chippewa, or such other place as the common council of said city shall by ordinance designate, for a term which in no case shall exceed six months, in the discretion of the court rendering judgment, and such court shall further adjudge, determine and sentence such defendant to be kept at hard labor during the term of his or her commitment, either within or without said jail or place of imprisonment, and the said court shall thereupon issue a commitment, inserting therein such time of imprisonment, and every person so convicted and committed shall be kept at hard labor in the common jail of the county of Chippewa, or at such place as the city of Chippewa Falls may provide, for the benefit of said city, under the watch, guard and supervision of whoever the mayor and common council shall appoint, for the period of time for which such person shall have been so committed, unless said judgment, fine, penalty or forfeiture and costs are sooner paid. The commitment may be substantially in the following form: Jury not allowed. Finding of the court. Penalty. Commitment.

Form of commitment.

COUNTY OF CHIPPEWA—City of Chippewa Falls—ss. The state of Wisconsin to the sheriff or any constable of said county, or any police officer of said city, and to the keeper of the common jail of said county greeting:

Whereas, at ——— court in and for the county of Chippewa, held at my office in said city, for the trial of —— ——, for the offense hereinafter stated, the said —— —— w—— convicted of having, on the —— day of ———, A. D. 187—, at said city, in said county, violated section ——— of chapter ——— of a general ordinance of the city of Chippewa Falls, entitled, "an ordinance ———," which said ordinance was then in force, and upon conviction, the said court did adjudge and determine that the said —— —— pay a fine ——— of ——— dollars, together with ——— dollars costs; that in default of payment of said fine and costs, to be imprisoned in the county jail of said county for the term of ——— at hard labor for the benefit of the city of Chippewa Falls.

Therefore, in the name of the state of Wisconsin, you are commanded forthwith to take the ——— of the —— and —— convey and deliver to the keeper of the common jail in and for Chippewa county; and the said keeper is hereby commanded in the name of said state to receive and keep in custody in said jail the said —— —— for the term of ——— at hard labor for the benefit of said city, unless the said fine, together with all costs and jail fees, are sooner paid, or ——— be discharged by due course of law.

Given under my hand, this ——— day of ———, A. D. 18—.

—— ——,

—— ——.

Prisoners may be worked.

SECTION 6. If the mayor of the city shall at any time deem it for the interest of the city, he may employ and work the prisoners so committed outside of the jail or yard at labor on the public grounds, streets or alleys of said city, and may cause them to be secured in such a manner as in his judgment will prevent their escape, and the keeper or custodian of the common jail of said county, shall, upon the order of the mayor of said city, deliver the prisoner or prisoners in such order named and described, in the keeping and custody of such person or persons in said order directed, and receive and securely confine such prisoner or prisoners when returned by such person or persons as aforesaid, and said order shall remain good and be in force until revoked by the mayor or common council of said city.

SECTION 7. In all cases the defendant may appeal from such judgment to the circuit court of the county of Chippewa: *provided*, such defendant within twenty-four (24) hours pay to the judge or justice his costs, and one dollar for his return, and make and file with him an affidavit that the appeal is made in good faith and not for the purpose of delay, and enter into a recognizance with one or more sufficient sureties to be approved by the judge or justice from whose judgment the appeal is taken, conditioned to appear before the circuit court for the county of Chippewa at the next general term thereof and from term to term thereafter, and abide the judgment of said court therein. The judge or justice from whose judgment an appeal shall be taken shall make a special return of the proceedings had before him, and shall forthwith cause the warrant and return, affidavit or complaint upon which the same was issued, together with the proceedings and copy of the entries on his docket in the action, together with the recognizance, to be filed in the office of the clerk of said court, and the city may appeal from any such judgment as in other cases before justices of the peace. Appeals.

SECTION 8. Said appeal shall stand for trial by jury, unless a jury be waived in a manner provided by law in said circuit court at the next term thereof, after the day the judgment of the judge or justice shall be rendered; and no notice of trial shall be required to be given to or by either party. Trial by jury.

SECTION 9. If the judgment of the court appealed from shall be affirmed, or if upon the trial the defendant shall be convicted, the court shall inflict the fine, penalty or forfeiture provided by this act, or the ordinances, by-laws, resolutions or regulations under which he or they are prosecuted, and enter judgment against him or them for such fine, penalty or forfeiture, together with the costs in both courts, and in default of payment of such fine, penalty or forfeiture and costs, to be committed, as provided in section five of this chapter. In case of conviction.

SECTION 10. In case of the breach of the conditions of the recognizance hereinbefore mentioned by the escape or non-appearance of the defendant at the circuit court, as hereinbefore provided, the same shall be prosecuted in the name of the city of Chippewa Falls, as plaintiff, in the circuit or municipal court for Chippewa county, and the measurement of recovery shall be the amount of the fine, penalty or forfeiture imposed, together with the costs and fees that accrued in the May recover of sureties.

case, and all moneys recovered shall be paid into the city treasury, less the fees of the officers and jailer, which shall be paid to them, and such judgment shall be enforced by execution, as in actions of tort.

Not incompetent.

SECTION 11. No person shall be an incompetent judge, justice or juror or witness by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

Ordinances to remain in force.

SECTION 12. All ordinances, by-laws, resolutions and regulations now in force in the city of Chippewa Falls, and not inconsistent with this act, shall remain in force until altered, modified or repealed by the common council, after this act shall take effect, and shall have the force of law.

Vested rights.

SECTION 13. All rights, actions and penalties, fines and forfeitures, in suits or otherwise, which have arisen or accumulated under the several acts consolidated herein, shall be vested in and prosecuted by the corporation hereby created.

Service of process.

SECTION 14. When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process of summons with the mayor or clerk of said city, and it shall be the duty of said mayor or clerk so served, forthwith to inform the common council thereof, or to take such demand or proceeding, as by ordinance or resolution of said council, may be in such case provided.

Fines and penalties.

SECTION 15. All fines, penalties and forfeitures recovered and collected under and by virtue of this act, shall be paid into the city treasury for the use and benefit of said city.

Exempt from attachment.

SECTION 16. All fire engines, hose carts, hook and ladders, and wagons therefor, and all other apparatus and implements used to extinguish fires, and all houses or buildings owned or occupied by said city or such engines, hose, hose carts, hooks and ladders, and other apparatus and implements, shall be exempt from attachment or execution issued in any action or on any judgment wherein the said city shall be a party.

Individual property not liable.

SECTION 17. No real or personal property of any inhabitant of said city, or any individual or corporation, shall be levied on or sold by virtue of any attachment or execution issued to collect or satisfy any contract, debt or obligation of said city, or on any judgment against said city.

Pardons.

SECTION 18. The mayor shall have power to grant pardons or commutations after conviction, for all offenses against the ordinances, by-laws, resolutions or

regulations of the city, upon such conditions as he may deem proper. He shall communicate any such action to the common council at its next meeting, with the reason therefor.

CHAPTER XI.

IMPROVEMENT OF STREETS.

Grade of streets

SECTION 1. The common council of the city of Chippewa Falls shall have power to establish the grades of streets of said city, and to change and re-establish such grades as they shall deem expedient: *provided*, that whenever they shall change or alter the grade of any street, any person who shall claim to have sustained damages by such change or alteration of grade, shall have his right of action against the city for the recovery of such damages; but no suit shall be commenced against the city therefor, until application has been made to the common council to pay such damages, and said council shall have refused or neglected for three months to pay or settle the same.

Ordinances relating to repairing, etc.

SECTION 2. Every ordinance, resolution or by-law providing for the repairing, construction or reconstruction of any sidewalk, sewer or gutter, or for the grading, repairing or improving of any street at the expense in whole or in part of the owners of the lots or parcels of land abutting or fronting on such sidewalk, sewer, gutter or street, shall, on being introduced at a meeting of the common council, be referred to some appropriate committee, and any such ordinance, resolution or by-law shall not be passed or adopted sooner than fourteen days after the introduction thereof, nor until ten days after the proceedings of the council had relative thereto, at the meeting when such ordinance, resolution or by-law was introduced, shall have been published in the official newspaper of the city.

Cleaning streets, etc.

SECTION 3. The common council of the city of Chippewa Falls shall have the power, by an affirmative vote of two-thirds of all the members, to order and contract for the making, grading, paving and repairing, and cleansing all streets and parts of streets, alleys, public grounds, reservoirs, gutters and sewers in the manner hereinafter mentioned, and direct and control the persons employed thereon.

Surveying.

SECTION 4. The cost and expenses of surveying streets, alleys, sewers and gutters, and of estimating work thereon in the execution of any public improvement, shall be chargeable to and payable by the

Expense of opening and improving.

city. The cost and expense of opening, grading, claying or graveling, planking, paving of streets and alleys, shall be chargeable to the lots or lands fronting on such street or alley, so that each lot or parcel of land shall pay for work between the front of each lot or parcel of land and the center of such street or alley: *provided*, that the common council may order such cost and expense to be paid by the lots or lands fronting such streets or alleys, by a *pro rata* tax based upon the last assessment made prior to such order: *provided further*, that the common council may order and direct such cost and expense to be paid equally by all of the lots or parts of lots fronting upon the entire street or upon the lots or parts of lots fronting upon that portion of the street actually graded, upon the basis of a uniform frontage of lots. Sewers and gutters may be ordered by the council, and built at the expense of the lots or parts of lots benefited thereby: *provided, however*, that when sewers or gutters are constructed through alleys, no lot shall be assessed therefor, except those situated in the block through which such sewers or gutters may be constructed: *and provided, further*, that in all cases where improvements or work of any kind are chargeable, by virtue of this section, upon lots benefited, all such improvements across streets, alleys and public grounds, shall be made and paid for by the city at large, in proportion to the width of the street, alley or public ground.

Public improvement.

SECTION 5. Whenever the common council shall determine to make any public improvement, as authorized by this chapter, they shall cause to be made an estimate of the whole expense thereof, and of the amount thereof to be assessed and charged to each lot and parcel of land, and, in case of grading, of the number of cubic yards to be filled in or excavated in front of each lot, and the proportion thereof across each street, alley or public ground aforesaid, and such estimate shall be filed in the office of the city clerk, for the inspection of the parties interested, before such work shall be ordered to be done. The common council may authorize the letting of such work by contract, to the lowest bidder, at the expense of the lots upon which such work is chargeable, in whole or in part as aforesaid, all bids for doing the same to be approved by the common council; and the said common council shall have power to reject any and all bids, and may require such contractors to perform such contract within such time and under such conditions, and to give such

security for the performance of such work as they shall direct; such contract, when approved by the council, to be executed, on the part of the city, by the mayor, and countersigned by the city clerk; notice of the time and place of receiving such bids to be published for ten days in the official paper of said city. The common council, instead of letting such work by contract to the lowest bidder, may, by an affirmative vote of two-thirds of the members of the council, order the grading, repairing or improving of any streets, or the making of any public improvement, to be done directly by and under the supervision of the street commissioner, at the uniform expense, in whole or in part, of all the lots or parcels of land abutting or fronting on such street or public improvement.

Sidewalks.

SECTION 6. Sidewalks shall be constructed or repaired upon the proper established grade of any street in said city, of such width, in such manner, and of such materials, and in such time as the common council, by ordinance, resolution or order, shall direct, by the owner or owners of any lot or piece of ground in front of which such sidewalks shall be ordered. If the owner or owners of any such lot or piece of ground shall not construct such sidewalk, as aforesaid, in the manner, of the material, or at the time so directed, the common council may cause the same to be constructed forthwith at the expense of such owner or owners. The contract for the construction of any such sidewalk shall be let to the lowest, reasonable, responsible bidder, and notice shall be given by publication in the official paper of the city, at least for three days, of the time, place and manner of receiving such bids. The common council shall levy a special tax upon each lot or piece of ground in front of which any sidewalk shall be constructed by contract, sufficient to pay the cost of constructing the same: *provided*, that no such contract shall be let until twenty days after notice shall have been given to such owner or owners, of the ordinance, resolution or order requiring the construction of such sidewalk, by the publication of the same, at least five days, in the official paper of the city.

Council authorized to construct sidewalks.

SECTION 7. The common council shall have power, by a two-thirds vote of all the members of the common council, to order the building, construction, reconstruction or repair of sidewalks in the city of Chippewa Falls, in such manner as they may deem proper. The city clerk shall receive all proposals for constructing or repairing sidewalks, and shall open them in the

received, unless the same be presented within twenty days after the publication of the notice requiring the same to be done: *and provided further*, that when it shall appear to the common council that any such lands belong to non-residents, infants, or persons laboring under legal disability, who shall not be represented by any agent or guardian, or not be benefited by the making of streets in front of such lots or lands, to the amounts of costs and expenses thereof; it shall then be the duty of the said council to be caused to be summoned a jury as herein provided.

Street commissioner—powers and duties of.

SECTION 10. The common council shall appoint one street commissioner, whose general powers and duties shall be same as those of overseers of highways in towns, except as otherwise herein provided. It shall also be the duty of such street commissioner to see that all ordinances of the city relating to the streets, alleys, public grounds, reservoirs, sewers and water courses within the city are duly observed and kept, and direct and control the persons employed therein. The street commissioner shall have general supervision over all work let by contract for the making, grading, claying, paving and repairing and cleansing all streets and parts of streets, alleys, public grounds, reservoirs, gutters and sewers, in the manner herein mentioned, and direct and control the persons employed therein, unless the common council shall otherwise provide.

Bond.

SECTION 11. Every street commissioner appointed by the common council as aforesaid, shall, before entering on the duties of his office, give a bond to the city of Chippewa Falls, with one or more sufficient sureties, to be approved by the council, in the penal sum of not less than two thousand dollars, conditioned to render an account to the common council when required by law or the ordinances of said city, or by a vote of said council, to safely keep and account for, and deliver over when lawfully required, all property of said city that may come into his hands; to use, disburse and pay over according to law or the ordinances of said city, all moneys that may come into his possession as such officer, and to faithfully discharge the duties of said office.

Account.

SECTION 12. The street commissioner shall, on or before the first day of November of each year, also at the expiration of his term of office, render an account under oath to the common council, showing the amount of money collected by him as such commissioner, and from whom it was collected, and showing the amount

of money that has been expended, specifying the work for which it was expended, and also showing the amount of labor and by whom performed, in payment of highway taxes, and when the same was performed. Such an account shall be rendered as often as the common council shall require.

Poll tax.

SECTION 13. It shall be the duty of every male inhabitant in the city, being over the age of twenty-one years, excepting persons of over fifty years of age, idiots, lunatics, paupers and such persons whose names appear upon the list filed with the city clerk, as provided by section seven of chapter nine of this act, to pay each year, when demanded by the street commissioner, a poll tax of one dollar and fifty cents. Said tax may be paid to the street commissioner, or be commuted for in labor as now provided for by law; and in default of paying the same either in money or labor, when demanded by the proper officer, he shall forfeit and pay a penalty of three dollars. No person, however, shall be entitled to any compensation from the city treasurer for services rendered thus. Whenever any person shall refuse or neglect to pay his poll tax, the street commissioner may commence suit for the penalty, incurred by the party refusing to pay the tax, in the name of the city as provided by law in other cases. All poll taxes collected by the street commissioner in said city shall be expended upon the streets in the ward where the person resides from whom such tax is collected: *provided*, that any person liable to pay such poll tax may in lieu of such payment, perform or cause to be performed one days' labor on said streets.

Poll tax list.

SECTION 14. The street commissioner shall, within thirty days after being notified of his appointment, deliver to the city clerk a list subscribed by him of the names of all the inhabitants of the city who are liable to pay poll taxes, and the clerk shall lay the same before the council at its next meeting. The common council may correct and perfect said list, and shall thereupon assess a poll tax of one dollar and fifty cents upon each person named in said list, for street purposes. All the laws relating to the assessment and collection of poll taxes in towns, when not inconsistent with the provisions of this act, shall be in force in said city, the same as though they were a part of this charter.

General laws to apply.

Fees.

SECTION 15. The street commissioner shall be entitled to ten per cent. of the amount collected by him

as poll tax, to be retained out of the moneys so collected, and such other compensation as the common council shall determine; the amount thereof to be fixed in the same manner as provided in this act for the appointive officers, and not to exceed the sum of five hundred dollars per annum; and the city shall not be liable for any services ordered to be performed by said street commissioner, unless provision is made for paying therefor at the time such services are ordered, except as provided in section seven of this chapter.

Street commissioner to issue certificates.

SECTION 16. Whenever any work has been done under contract, as provided in this act, and the same shall have been approved by the street commissioner and city surveyor, such contractor shall be entitled to a certificate therefor, which shall be signed by the mayor and countersigned by said commissioner, stating the amount of work done by such contractor and the nature thereof, and the description of lots or parcels of land upon which the same is chargable, which certificate may be transferred by endorsement, and shall draw interest at the rate of fifteen per cent. per annum from date of issue: *provided*, the same is not paid within twenty days after demand, until the same is inserted in the tax roll as hereinafter provided; and if the amount thereof and interest shall not be paid before the clerk makes out the annual tax roll, the same may be filed with the city clerk; whereupon said city clerk shall assess the amount of said certificates, with interest as aforesaid, to the time of its being inserted in the tax roll, upon and against the lot or parcel of land described therein in such tax roll, and as a part of the tax against such lot, and the same shall be collected as other taxes and assessments, for the benefit of the holders of such certificates respectively: *provided, however*, that in no case shall the city be liable for the amount of such certificates, or any part thereof, unless the same has been actually paid into the city treasury; and the sale of such land therefor shall not be regarded as payment, and the same shall not be regarded as paid until the parties interested shall have actually redeemed such lots from such sale.

CHAPTER XII.

POLICE DEPARTMENT.

Police.

SECTION 1. The mayor of Chippewa Falls shall *ex-officio* be chief of police of said city, and together with such a number of police officers as he, with the appro-

val of the common council, shall determine to appoint, constitute the police force.

SECTION 2. The mayor or common council may direct or detail any of the police officers to perform such official duties as he or they may deem proper, and no extra compensation shall be allowed therefor. **Special duties.**

SECTION 3. The members of said police force shall perform such duties as shall be prescribed by the common council, for the preservation of the public peace and good order and health of the city; they shall possess all the powers of constables at common law, or by the laws of this state. **Duties.**

SECTION 4. The mayor, or acting mayor, the sheriff of Chippewa county and his deputies, each and every alderman, justice of the peace, police officer, constable and watchman of said city, shall be officers of the peace, and may command the peace, and suppress in a summary manner, all rioting and disorderly behavior within the limits of the city, and for such purposes they may command the assistance of all bystanders, and if any person, bystander, military officer or private shall refuse to aid in maintaining the peace when so required, each such person shall forfeit and pay a fine not to exceed one hundred dollars, and costs, and in default of payment of such fine and costs, to be committed in the county jail in and for said county, at hard labor, either within or without said jail for the benefit of said city, for a term not exceeding six months, under the control, watch and care thereof; and in case where the civil power may be required to suppress riotous and disorderly behavior, the superior or senior officer present, in the order above named in this section, shall direct the proceedings. **Peace officers.**

SECTION 5. It shall be the duty of the chief of police and all police officers and constables in and for said city, and they are hereby authorized and required, with or without warrant, to summarily arrest and take before the municipal judge in and for the county of Chippewa, or some court of competent jurisdiction, all persons guilty of violating any of the provisions of this act, or any ordinance, by-law, resolution or regulation of the common council of said city, passed in accordance herewith, or which are now in force in said city, and to make complaint before the municipal judge or some court of competent jurisdiction, against any such offenders, and the said municipal judge, or court aforesaid, shall have power to hear, try and determine all complaints for such offenses: *provided*, that when any **Summary arrest.**

person arrested as heretofore provided, it shall be lawful for such arresting officer to take and convey such person to the common jail of said county, or police station of said city, there to remain for a period not exceeding twenty-four hours, within which time it shall be the duty of said officer to take such person before the municipal judge or court aforesaid, to be tried in the manner aforesaid: *provided, however*, that in computing the said period of twenty-four hours, Sundays shall be excluded.

Removal.

SECTION 6. All police officers shall be removed in the discretion of the mayor and common council.

CHAPTER XIII.

DISQUALIFICATIONS, IMPEACHMENTS, ETC.

Eligible to but one office.

SECTION 1. No voter shall be eligible to or hold more than one office under this charter at the same time.

Not to vote where directly interested.

SECTION 2. No member of the common council shall vote upon any question, matter or resolution in which he shall be directly interested.

Shall not be interested in contracts.

SECTION 3. No member of the common council shall be a party to, or interested in any job or contract with the city, and any contract with the city in which any such member may be so interested, shall be null and void; and in case any money shall have been paid on such contract, the common council may sue for and recover the amount so paid, from the parties to such contract, and from members of the common council interested in the same.

Not eligible.

SECTION 4. No person interested, directly or indirectly, as principal or surety in any contract or agreement, written or verbal, to which said city shall be a party in interest, or to which any officer under this act shall officially be a party, for the construction of any sewer, pavement or building, or the performance of any public work whatever, or involving the expenditure, receipt or disposition of money or property of the said city by any officer under this act, shall be eligible to any office or appointment in said city that will in any manner give him official cognizance or authority over the subject matter of such interest; and if any person thus interested shall be elected or appointed to office, his election or appointment shall be void, and such office shall be declared vacant.

Removal and punishment.

SECTION 5. If any member of the common council, or other officer of the corporation, after his election or

appointment, or while in office, shall become or cause himself to become interested, directly or indirectly, in any contract or agreement, whether written or verbal, to which the corporation shall be a party in interest, or to which any officer under this act officially be a party, or in any question, subject or proceeding pending before the common council, or on which such officer may be called upon to act officially, with intent to gain, directly or indirectly, any benefit, profit or pecuniary advantage, he shall be removed from his office, and the same shall be declared vacant by the common council, and he shall be deemed guilty of felony, and on conviction thereof shall be punished by imprisonment in the state prison for not more than one year, or by fine of not exceeding one thousand dollars ($1,000), or by both such fine and imprisonment, in the discretion of the court.

Bribery.

SECTION 6. If any member of the common council or officer or agent of the city government shall, directly or indirectly, accept or agree to accept or receive any money, goods or chattels, or any bank note, bank bill, bond, promissory note, due bill, bill of exchange, draft, order or certificate, or any security for the payment of money or goods or chattels, or any deed of writing containing a conveyance of land or conveying or transferring an interest in real estate, or any valuable contract in force, or any other property or reward whatever, in consideration that such member of the common council or other officer or agent will vote affirmatively or negatively, or that he will not vote, or that he will use his interest and influence on any question, ordinance, resolution, contract or other matter or proceeding pending before the common council, or in which such officer or agent may be called upon to decide or act in any particular manner, such member of the common council or agent shall be removed from office and his office declared vacant by the common council, and both he and the person or persons offering or paying such considerations, directly or indirectly, shall be deemed guilty of felony, and on conviction thereof shall be punished by imprisonment in the state prison for not more than three nor less than one year, or by fine not exceeding one thousand dollars ($1,000), or both fine and such imprisonment, at the discretion of the court.

Malfeasance.

SECTION 7. A majority of two-thirds of all the members elect of the common council shall have power to dismiss from office for malfeasance in office or any

other due cause, in said city, any person elected or appointed to office in said city, except justices of the peace. And the common council shall provide by ordinance the manner of hearing and disposing of complaints against such officers.

Investigation.

SECTION 8. Whenever any charge of official misconduct shall be preferred against any member of the common council of the city of Chippewa Falls, or any officer of said city, the common council shall appoint a committee to investigate such charges; and it shall be the duty of the committee, as soon as practicable after their appointment, to investigate the matter of any charges which may have been so preferred, and to report the results of their investigation to the said common council; and in case such committee shall deem it necessary or proper, for the purpose of their investigation, they may examine witnesses, on oath, in relation to any such charges, and the several members of such committee are hereby authorized and empowered to administer oaths to witnesses to be examined for the purpose of such examination.

Witnesses.

SECTION 9. Subpœnas may be issued for the purpose of procuring the attendance of witnesses before any committee appointed pursuant to the preceding section. Each subpœna shall state when and where and before whom the witness is required to appear and testify, and may require such attendance forthwith, or on a future day named, and the production of books, records, documents and papers therein to be designated, without payment of fees in advance or a tender thereof. All such subpœnas shall be signed by the city clerk of said city, and shall be issued under the seal of said city, and may be served in the same manner, and shall have the same force and effect, as subpœnas issued out of the circuit court. Any willful or corrupt false swearing by any witness or person giving testimony before such committee or any member thereof, or making deposition to any material fact relating to the matter under investigation before such committee, shall be deemed guilty of perjury, and shall be punished as such in the manner provided by law. The provisions of law in respect to the attachment of witnesses subpœnaed before justices of the peace, and compelling the attendance of such witnesses, to appear and testify before them, are hereby applied to the case of witnesses subpœnaed before such committee, and such committees may exercise the powers of arrest, fine and imprisonment, for conviction in circuit or justices' courts, in

such cases. Writs of attachment and commitment for contempt shall be signed by the chairman of such committee.

CHAPTER XIV.

RELATING TO PUBLIC SCHOOLS.

Board of education.

SECTION 1. There shall be elected by the mayor and common council of the city of Chippewa Falls, a board of education, which shall be composed of one school commissioner from each ward, and one from the city at large. The first election of commissioners shall be at a meeting of said common council to be held on the first Tuesday of May, 1878, when a full board shall be elected. The commissioners first elected as aforesaid shall enter upon the duties of their office on the second Tuesday after their election, and shall continue in office as follows: The commissioner from the first ward, one year; the second ward, two years; the third ward, three years; and the fourth ward and city at large four years, and until their successors are elected and qualified. And thereafter the term of office of all commissioners elected shall commence on the second Tuesday of May after their election; and on the first Tuesday of May in each year, after the first election, there shall be elected a school commissioner to succeed any member of the board of education whose term of office will expire on the succeeding second Tuesday of May, who shall hold his office for the term of four years, and until his successor is elected and qualified.

Quorum.

SECTION 2. The school commissioners elected under the provisions of section one of this chapter shall form the "board of education of the city of Chippewa Falls," and a majority of said board shall form a quorum for the transaction of business. It shall be the duty of the mayor and council to supply by appointment any vacancy which may occur from time to time in the number of said school commissioners by resignation or otherwise.

Vacancies.

Powers and duties of president.

SECTION 3. The board of education shall, at its first regular meeting, in May of each year thereafter, elect one of its members president, who shall preside at all meetings of the board and preserve order and decorum thereat, and decide all questions of order, subject to appeal to the board. He shall sign all orders drawn by the secretary for the payment of teachers' and janitors' wages, and other incidental and necessary expenses of said board of education, and in suits brought by or against the school district, he shall ap-

pear in behalf of the district, unless some other provision is made by the board of education. He shall declare all votes taken on questions coming before the board: *provided*, that on all questions appropriating money, or the adoption of the text-books, the vote shall be taken by ayes and noes, and on any other questions the ayes and noes shall be called when any member shall request it: *provided further*, that in the absence of the president, the board shall elect a president *pro tempore*.

Monthly meetings. SECTION 4. The board of education shall have at least one regular meeting in each month, at such time and place as may be directed by them, and they may have special meetings at such other times as they may deem necessary, when called together by the president or a majority of the members. All questions to be determined by the board shall be brought up for consideration at a general or special meeting by motion or resolution and no such motion or resolution shall be adopted, except by a vote of a majority of the members of the board.

Duties of board SECTION 5. The duties of the board of education shall be as follows:

Employment of teachers. 1st. To decide upon the number of teachers to be employed, the grade of school to be kept by each, and to hire and make contracts with teachers; and before any teacher shall enter upon his or her duties as such, he or she shall enter into a written contract, which contract shall be signed by such teacher, and by the president and secretary of the board of education. Such contract shall be made in duplicate, and one copy thereof filed with the secretary, together with a copy of the teacher's certificate.

Text-books, etc. 2d. To arrange and determine terms and vacations in all public schools, and to establish uniformity in the school system, and to require and secure uniformity in text-books, and to adopt or reject text-books at will.

Regulations. 3d. To establish rules and regulations for the schools, not in conflict with the constitution or laws of this state.

Incidentals. 4th. To make contracts for all fuel, stationery and articles of furniture required for the use of the schools; to make all necessary repairs on school houses; to make contracts for all incidentals required for carrying on the schools, such as lighting fires, sweeping school rooms, etc.; and such contracts, when executed, shall be paid by orders drawn on the city treasurer, payable out of the school fund, which orders shall be signed by

the president of the board of education, and countersigned by the secretary of said board.

5th. The board of education shall, on the first day of November in each year, submit a statement to the mayor and council of all the money disbursed by them during the year, and for what purposes the same was disbursed; and they shall at the same time submit for the consideration of the council, a statement of the estimates required for carrying on the schools for the ensuing year, specifying the amount required for teachers' wages and other items separately and specifically. Nothing in this section contained shall prevent the council from taking into consideration the amount to be received from the county school tax during the ensuing year. Annual statement.

SECTION 6. Whenever repairs to a larger amount than one hundred dollars, shall, in the opinion of the board, be required for any one school-house, they shall cause a statement to be made showing the repairs required, and an estimate of the cost to be laid before the mayor and council; and whenever, in their opinion, another school-house shall be necessary, they shall cause estimates of the cost of a site for such house or houses, and a plan of the proposed building or buildings, together with the estimates of the cost of the same, to be made, and shall submit the same for the consideration of the mayor and council, who shall forthwith take measures to raise a tax to defray the cost of such repairs, or the erection of such building or buildings, and the purchase of a site or sites, unless there shall be a vote of two-thirds of the whole number of aldermen of the city against the same, in which case such proposed repairs shall not be made, nor shall such site or sites be purchased or building or buildings erected; and it shall be the duty of said board to enter into contracts for making such repairs or for the erection of such buildings, or the purchase of such sites, whenever it shall be made to appear that the necessary tax for the same has been levied or authorized by the mayor and council. When repairs exceed $100.

SECTION 7. It shall be the duty of the president and secretary of the board of education to draw orders on the city treasurer, payable out of the school funds, for teachers' and janitors' wages, and all other expenditures authorized by this act. School orders.

SECTION 8. No member of the board of education shall have any interest, direct or indirect, in any contract make by said board, and every contract so made Not to be interested in contract.

in which any member of said board shall have such interest, shall be absolutely void.

Secretary of board.

SECTION 9. The city clerk of the city of Chippewa Falls shall, in addition to his other duties, act as secretary of the board of education.

CHAPTER XV.

MISCELLANEOUS.

Survey.

SECTION 1. The common council may, at any time, cause a new and accurate survey to be made of the lines and boundaries of all the streets, alleys, sidewalks, public grounds, wharfs and blocks, and may cause to be established such permanent landmarks as they may deem necessary, and to cause an accurate plat or plats thereof to be made and certified to by the surveyor, which shall be filed in the office of the city clerk, and recorded in the office of register of deeds of the county of Chippewa.

Evidence.

SECTION 2. The surveys and landmarks so made and established, shall be *prima facie* evidence of the lines and boundaries of all streets, alleys, sidewalks, public grounds, wharfs, and blocks in all cases in which they shall be drawn into controversy, in all courts in this state.

Grade of streets

SECTION 3. The common council may, at such time as they deem proper, establish the grades of all streets, alleys and sidewalks of said city, or any or either of them, and shall cause accurate profiles thereof to be made, one of which shall be filed in the office of the register of deeds of Chippewa county; and should the grade so established be at any time thereafter altered, all damages, costs and charges therefor shall be paid by the city to the owner of any lot or parcel of land or tenement which may be affected or injured in consequence of the alteration of such grade.

May hold and convey real estate.

SECTION 4. The city may have, purchase and hold real and personal estate sufficient for the public use of the inhabitants thereof, and may sell and convey the same; and the same, while owned, occupied or held by said city, shall be exempt from taxation.

Subdivisions.

SECTION 5. Every individual or company of individuals, or body corporate, owning a lot or tract of land within the corporate limits of the city of Chippewa Falls, who may desire to subdivide or plat such lot or tract of land into city lots, shall, in platting the same, cause the streets and alleys in such plat to correspond in width and general direction with the streets

and alleys through the lots and blocks in said city adjacent to said lot or tract so platted, and before making such plat as required by law, it shall be the duty of such person or persons or corporations making such plats to submit the same to the common council of said city for approval; and if said plat shall be approved by the common council, the said person or persons or corporations may cause said plat or plats to be recorded according to law; but except such plat be approved by resolution adopted by said council, a copy of which duly certified by said clerk shall be affixed to or entered on such plat, it shall not be lawful for the register of deeds of the county of Chippewa to receive such plat for record or to record the same; and the person or persons neglecting or refusing to comply with the requirements of this act, shall forfeit and pay a sum not less than one hundred dollars nor more than one thousand dollars, and the register of deeds who shall record such plat without a copy of the resolution aforesaid, approving the same being entered on or affixed thereto, shall forfeit a sum not less than fifty nor more than one thousand dollars.

Party of first part.

SECTION 6. When the city of Chippewa Falls deeds or leases any real estate, or any interest therein, owned by said city, the party of the first part shall be the city of Chippewa Falls, and the person or persons authorized to execute such deed or lease, need not be named in the body thereof.

Mayor to execute instrument.

SECTION 7. The mayor of said city is hereby authorized, when the common council shall, by ordinance or resolution for that purpose, describe the real estate and interest to be conveyed, and direct him so to do, to execute a deed or lease of such real estate or interest therein belonging to the said city. The said deed or lease shall be signed by the mayor of the said city and countersigned by the city clerk, and sealed with the corporate seal of said city, and be duly witnessed and acknowledged, so as to entitle it to record under the laws of this state.

Corporation not to be suspended

SECTION 8. If any election by the people for common council shall, for any cause, not be held at the time or in the manner herein prescribed, or if the council shall fail to organize as herein prescribed, it shall not be considered reason for arresting, suspending or absolving said corporation, but such election or organization may be had at any subsequent day by order of the common council, and if any of the duties enjoined by this act, of the ordinances or by-laws or

regulations of said city, to be done by any officer at any specified time, and the same are not then done or performed, the common council may appoint another time at which said action may be done and performed.

What creates vacancy.

SECTION 9. Any officer removing from the city or any ward officer removing from the ward for which he is elected, or any officer who shall neglect or refuse, for ten days after notice of his election or appointment, to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided.

Suspension of officers.

SECTION 10. The mayor shall have the power to suspend any police officer from duty, and any officer so suspended shall not have any pay or compensation during such suspension, until the council shall take up his case and dispose of it; and with the approval of the common council may appoint as many special police officers and night watchmen as he may deem necessary for the welfare of the city, and in no case shall such special police officers remain on the police force for a longer time than twenty days unless reappointed; and such special police officers and watchmen shall have all the powers of constables within the city of Chippewa Falls.

No compensation.

SECTION 11. The offices of mayor and aldermen shall be filled by their incumbents without fee or salary, or compensation for any services.

Repealed.

SECTION 12. All acts and parts of acts inconsistent and conflicting with the provisions of this act are hereby repealed, but the repeal of said acts or parts of acts shall not in any manner affect, injure or invalidate any contracts, acts or suits, claims, penalties or demands that may have been entered into, performed, commenced, or that may exist under or by virtue or in pursuance of the said acts, or any former acts incorporating said city, or any of them; but the same shall exist and be enforced and carried out and be completed as fully and effectually to all intents and purposes as if this act had not been passed.

SECTION 13. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1878.

[No. 105, S.] [Published March 19, 1878.]

CHAPTER 160.

AN ACT to amend chapter fifty-seven of the laws of 1874, entitled "An act to incorporate the city of Columbus," and chapter one hundred and twelve of the laws of 1875, amendatory thereto.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter three of chapter fifty-seven of the laws of 1874, is hereby amended so as to read as follows: Section 1. The annual election for ward and city officers shall be held on the first Tuesday in April in each year, at such place in each ward as the common council shall designate; and the polls shall be kept open from nine o'clock in the forenoon till sunset, and ten day's previous notice shall be given by the city clerk of the time and place of holding such election, and of the officers to be elected, by publishing a notice in the official paper of the city, and posting up notices in at least two public places in each ward. Amended. Elections.

SECTION 2. Section two of chapter three is hereby amended so as to read as follows: Section 2. The elective officers of said city shall be a mayor, a treasurer and assessor, elected by and for the city at large; and three aldermen, one supervisor to represent his ward in the board of supervisors of Columbia county, one justice of the peace, and one constable, to be elected by and for each ward. The mayor, treasurer and assessor shall be qualified voters in the said city, and the ward officers aforesaid shall be qualified voters in the ward for which they are elected. The city clerk, attorney, marshal, and all other officers necessary for the proper management of the affairs of said city, shall be nominated by the mayor and by the consent of the common council appointed. All elective officers, except justices of the peace, shall, unless otherwise provided, hold their respective offices for one year, and until their successors are elected and qualified: *provided, however*, the common council shall have power, for due cause, to expel any of its own number, and to remove from office any officer or agent under the city government; due notice being first given to the officer complained of. The justices of the peace shall hold their offices for two years, and until their successors are elected and Amended. Elective officers. Appointed officers. Terms.

Suspensions and vacancies.

qualified. The mayor shall have power to suspend any police officer or watchman appointed by the common council, when complained of, for cause, until the council shall take up his case and dispose of it. He shall also have power to fill any vacancy thus created for the time being.

Amended.

Vacancies.

SECTION 3. Section three of chapter three is hereby amended so as to read as follows: Section 3. Whenever a vacancy shall occur in the office of mayor or alderman, such vacancy shall be filled by a new election, which shall be ordered by the common council within ten day after such vacancy shall occur. Any vacancy happening in any other office shall be filled by the common council. The person elected or appointed to fill any vacancy shall hold his office and discharge the duties thereof for the unexpired term, and with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Amended.

Inspectors and clerks of election.

SECTION 4. Section six of chapter three is hereby amended so as to read as follows: Section 6. The mayor, with the consent of the common council, shall appoint the inspectors and clerks of all elections to be held in said city, or in any ward thereof; they shall take the usual oath or affirmation, as prescribed by the general laws of the state, to be taken by the judges, inspectors, and clerks of election; and they shall have the power to administer the necessary oaths, and fill vacancies in said board when necessary, at the time of opening the polls. All elections shall be held and conducted in the same manner and under the same penalties, as required by the laws of this state regarding elections.

Amended.

SECTION 5. Section seven of chapter three is hereby amended by inserting in the twelfth line of said section, after the words "that you are," the words "and have been for the last ten days."

Amended.

SECTION 6. Section nine of chapter three is hereby amended by striking out in the second line of said section the words "by the aldermen of each ward."

Amended.

Oath of office and bond.

SECTION 7. Section one of chapter four is hereby amended so as to read as follows: Section 1. Every person elected or appointed to any office, under the provisions of this act, except justices of the peace, shall, before he enters upon the duties of his office, take and subscribe an oath of office and file the same, duly certified by the officers taking the same, with the clerk of the city; and the treasurer, clerk, marshal, and such other officers as the common council may direct,

shall severally, before they enter upon the duties of their respective offices, execute to the city of Columbus a bond, with at least two sureties, who shall swear that they are worth in the aggregate the penalty specified in said bond, over and above all debts, exemption or liabilities, and said bonds shall contain such penal sum and such conditions as the common council may deem proper; and they may, from time to time, require new additional bonds, and remove from office any officer refusing or neglecting to give the same. Justices of the peace and constables shall qualify according to the general statutes, except that their official agreements shall be approved by a vote of the common council.

Amended.

SECTION 8. Section two of chapter four is hereby amended by inserting in the twenty-second line of said section, after the word "objection," the following: "And it shall be the duty of the city clerk forthwith to notify the president of the board of such filing, who shall, within one week after the filing of the veto, call a meeting of the common council to consider the objections: *provided, however*, that the mayor does not call a meeting within the specified time."

Relating to veto.

Amended.

SECTION 9. Section three of chapter four, is hereby amended so as to read as follows: Section 3. At the first meeting of the common council in each year, they shall proceed to elect, by ballot, one of their number president, and in the absence of the mayor, the said president shall preside over the meetings of the common council; and during the absence of the mayor from the city, or his inability for any reason, to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of mayor, except the signing of city bonds. In case the mayor and president shall be absent at any meeting of the common council, they shall proceed to elect a temporary presiding officer, who, for the time being, shall discharge all the duties of the mayor. The president, or temporary presiding officer, while presiding over the board or performing the duties of mayor, shall be styled acting mayor, and the acts performed by them, or any of them, shall have the same force and validity as if performed by the mayor, except the signing of the city bonds; and the said common council shall also, at their first meeting in each year, elect a clerk and marshal for the city, who shall hold their respective offices for the term of one year, and until others are elected and qualified.

Powers and duties of president of council.

Amended.

SECTION 10. Section five of chapter four is hereby

Jurisdiction of justices.

amended so as to read as follows: Section 5. The justices of the peace elected under this act shall have the same jurisdiction and perform all the duties of the justices of the peace, and in addition thereto they shall have jurisdiction in all cases arising under this act, and the ordinances, resolutions and by laws passed by said city council, unless therein otherwise provided; and may hold their offices at any place within the city. All constables elected by virtue of this act shall have and exercise the same powers and duties, and be subject to the same liabilities as constables of towns.

Amended.

SECTION 11. Section seven of chapter four is hereby amended by inserting in the fifteenth line of said section, after the word "apprehend," the words "with or without warrant, and at any place within the city," and by striking out all of said section after the twentieth line thereof.

Amended.

City printing.

SECTION 12. Section nine of said chapter four, is hereby amended so as to read as follows: Section 9. The city clerk shall give notice in writing to all publishers of newspapers published in said city, at least one week previous to the first annual meeting of the common council in each year, for sealed bids or proposals for the publishing of ordinances and other proceedings and matters required by this act, or by the ordinances of said city, or by order of the common council, to be published in a newspaper; and the city clerk shall, at the first annual meeting of the common council in each year, open all bids received for such publishing, and the common council shall then and there award the contract to the lowest responsible bidder, and the newspaper published by said party or parties receiving said contract shall be the official paper of the said city for the ensuing year: *provided, however*, such bid does not exceed the legal rates, and provided, further, that the common council shall have the right to reject all bids deemed exorbitant and in such case the common council shall order the city clerk to receive new bids within ten days, to be opened in the manner aforesaid at such time as the common council shall order: *provided, however*, that such time shall not be later than the next regular meeting.

Amended.

SECTION 13. Section thirteen of chapter four, is hereby amended by striking out in the second and third lines the words "police justice."

Amended.

Suits brought

SECTION 14. Section fifteen of said chapter four is hereby amended, so as to read as follows: Section 15.

All actions to recover any penalty or forfeiture under this charter, or the ordinances, by-laws, police and health regulations, made in pursuance thereof, shall be brought in the corporate name of the city, and may be heard and determined by or before any justice of the peace in the city. All fines and penalties collected by any justice, in such cases, shall be paid over to the city treasurer. Each justice shall report to the common council on the first Monday in January, April, July and October, in each year, a statement of all such fines and penalties collected by him, and at the same time pay over the amount thereof to the city treasurer. **In corporate name of city.** **Quarterly statement of fines.**

SECTION 15. Section sixteen of chapter four is hereby repealed. **Repealed.**

SECTION 16. Chapter four is hereby amended, by adding thereto the following section: Section 19. Any officer may resign his office by filing his written resignation with the clerk; and such resignation shall take effect, and his office shall be deemed vacant, from the time such resignation shall be accepted by the common council. **Amended.** **Resignations.**

SECTION 17. Section one of chapter five is hereby amended, by adding thereto in the third line after the word "services," "except as members of the board of equalization." **Amended.**

SECTION 18. The first subdivision of section three of chapter five is hereby amended so as to read as follows: 1st. To license, regulate, suppress and prohibit the exhibition of common showmen or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, billiard tables, bowling saloons, nine or ten pin alleys or shooting galleries, and to provide for the abatement and removal of all nuisances under the ordinances of said city, the laws of the state or at common law; and may grant licenses for and regulate groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and may prohibit and suppress the same: *provided*, that the license for so dealing in or vending spirituous, vinous or fermented liquors at retail, shall not be less than twenty-five nor more than one hundred and fifty dollars, and for dealing in or vending spirituous, vinous or fermented liquors at wholesale, shall not be less than ten nor more than forty dollars per annum, and that all such licenses hereafter granted shall run from the first day of May in each year to the first day of May following: *provided, however*, that when any such license may be ap- **Amended.** **Showmen, etc.** **Nuisances.** **Liquors, etc.**

plied for after that date, the same may be granted to expire on the said first day of May of each year, on the applicant paying pro rata therefor; but no license shall be granted for a longer term or period than one year.

Amended.

SECTION 19. The second subdivision of section three of chapter five is hereby amended so as to read as follows:

Gaming, etc.

2d. To restrain prohibit, and suppress all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance for the purpose of gambling, and to restrain, prohibit and suppress any person or persons from vending, giving away or dealing in spirituous, fermented or vinous liquors, unless duly licensed by the common council.

Liquors, etc.

Amended.

SECTION 20. Subdivision twenty-three of section three of chapter five is hereby amended so as to read as follows: 23d. To license auctioneers and transient dealers, and to regulate the time, place and manner of holding public auctions or vendues.

Auctioneers.

Amended.

SECTION 21. Section four of chapter five is hereby amended so as to read as follows: Section 4. All ordinances shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor, and shall within fifteen days after their passage, respectively, be published in the official paper of said city, once before the same shall be in force, and within fifteen days thereafter, they shall be recorded by the city clerk in books to be provided for that purpose, but before any of said ordinances shall be recorded, the publication thereof respectively within the said time, shall be proved by the affidavit of the foreman or publisher of such newspaper, and said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of time and manner of such publication, and such record of such ordinance, and the proof of such record, certified by the clerk, under the seal of the city, or any printed book containing the same, purporting to have been published under the sanction of the mayor and council, shall be *prima facie* evidence of the due passage and publication of such ordinance.

Ordinances.

Amended.

SECTION 22. Section one of chapter six is hereby amended so as to read as follows: Section 1. All funds in the treasury, except school, state and county funds, shall be under the control of the common council and shall be drawn out upon the order of the mayor and clerk, duly authorized by a vote of the common council, except road funds; and all orders drawn upon

Disbursement of funds.

the treasurer shall specify the purpose for which they were drawn, and shall be payable out of any funds in the treasury belonging to the city. All orders shall be payable to the person or persons, or to the order of the person or persons in whose favor they may be drawn, or bearer. Orders.

SECTION 23. Section three of chapter eight is hereby amended by striking out all of said section after the word "city" in the fourth line. Amended.

SECTION 24. Section five of chapter eight is hereby amended so as to read as follows: Section 5. The mayor, city clerk, city assessor, and the three supervisors, shall constitute the city board of equalization, and shall meet on the first Monday of July, each and every year, at nine o'clock in the forenoon, and shall proceed in all respects as town boards of review and equalization are by law required to proceed, as far as the same is applicable, reviewing, correcting and equalizing the assessment roll of the city. The mayor shall be president of the board of equalization and the city clerk the clerk thereof. Amended. Board of equalization.

SECTION 25. Section ten of chapter eight is hereby amended by adding thereto at the end of the section the following: *provided*, that the city treasurer has filed the receipt of the county treasurer for his bond for state and county taxes. Amended.

SECTION 26. Section sixteen of chapter eight is hereby amended by striking out the word "third," in the second line of said section, and inserting in lieu thereof the word "last." Amended.

SECTION 27. Section three of chapter nine is hereby amended so as to read as follows: Section 3. The common council shall have full power to purchase fire engines and other fire apparatus, and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded, and their meetings to be prohibited and their apparatus to be delivered up. The common council shall appoint one chief engineer and one assistant chief engineer of the fire department, at such times as they, by ordinance, may ordain. The city clerk and the city treasurer, shall be ex-officio respectively clerk and treasurer of the fire department of said city. Each company shall not exceed seventy able bodied men, between the ages of eighteen and fifty years, and may elect its own officers, except the chief engineer and assistant engineer, who shall be appointed Amended. Fire companies and apparatus.

by the council, and form its own by-laws, not inconsistent with the laws of this state or the ordinances and regulations of said city, and shall be formed only by voluntary enlistments. Every member of said company, hereby authorized to be formed, shall be exempt from highway work and poll tax, and from serving on juries and military duty, except in case of war, insurrection or invasion, during the continuance of such membership; and any person having served for the term of ten years, in either of such companies, shall be forever thereafter exempt from poll tax, and military and jury duty, except as in cases before mentioned.

Amended.
Fire warden.

SECTION 28. Section four of chapter nine is hereby amended so as to read as follows: Section 4. The common council shall appoint one fire warden for the city, who shall perform such duties as the common council may prescribe, and he may at any time enter into any building, house, store, barn or inclosure for the purpose of inspecting the same.

Amended.
Disbursement of funds.

SECTION 29. Section eight of chapter nine is hereby amended so as to read as follows: Section 8. The treasurer of the fire department shall receive and pay out all moneys belonging to said department. Such moneys shall only be paid out on order signed by the chief engineer or acting chief engineer, and countersigned by the clerk of the department.

Amended.
Officers of fire companies.

SECTION 30. Section nine of chapter nine is hereby amended so as to read as follows: Section 9. There shall be elected by the members of each company, annually, at their respective annual meetings, a clerk and a treasurer of each company. The respective clerks shall, on the first Monday in May and on the first Monday in November, in each year, return to the city clerk a list containing the name of each member of their respective companies; and when any member of either of said companies shall cease to be a member thereof by resignation, expulsion or otherwise, notice thereof shall be given to the city clerk, and his certificate returned.

Amended.
List of firemen.
Return of list to county clerk.

SECTION 31. Section ten of chapter nine is hereby amended so as to read as follows: Section 10. The city clerk is hereby required to keep a record of the members of the several companies organized under this chapter, and no person shall be exempt from jury duty unless the name is entered on such record. In case any person shall, for any cause, cease to be a member of either of said companies, the clerk shall note that fact on the record, and shall return to the clerk of

the board of supervisors of the county of Columbia, a list of all persons who are members of either or all of said companies exempt from jury duty, on or before the day now appointed, or which may hereafter be appointed for the annual meeting of said board, and said board shall not place the names of such persons on the jury list for the ensuing year.

SECTION 32. Section eight of chapter ten is hereby amended so as to read as follows: Section 8. Witnesses in behalf of the city, and jurors, shall attend before a justice of the peace in said city, in all actions brought in the name of the city, without the payment of fees in advance, or a tender thereof, upon process duly served, and in default thereof, their attendance may be compelled by attachment. **Amended.** **Witnesses.**

SECTION 33. Section ten of chapter ten is hereby amended so as to read as follows: Section 10. In all cases where judgment is rendered against a defendant for the recovery of fines or penalties mentioned in this act, or the ordinances now in force or hereafter to be ordained, the defendant may appeal from such judgment to the circuit court of the county of Columbia: *provided*, such defendant within twenty-four hours after the judgment is rendered, enter into a recognizance with two or more sufficient sureties, to be approved by such justice, conditioned to appear before said court, and abide the judgment of the court therein. The justice from whose judgment an appeal shall be taken, shall, within ten days, make a return of the proceedings had before him, to the circuit court of Columbia county, and at the same time file with the clerk of said court all papers in the action, together with a certified copy of his docket in the case. He shall also give notice of the appeal to the mayor and common council. The city may appeal from any such judgment as in civil cases before justices of the peace. **Amended.** **Appeal.**

SECTION 34. Section eleven of chapter ten is hereby amended so as to read as follows: Section 11. Said appeal shall stand for trial by jury, unless a jury be waived in the manner provided by law, in said circuit court, at the next term thereof after the return has been made as provided in the preceding section. **Amended.** **Trial by jury.**

SECTION 35. Section sixteen of chapter ten is hereby amended so as to read as follows: Section 16. When any suit or action shall be commenced against said city, the service hereof shall be made by leaving a copy of the process of summons with the mayor of said city, and it shall be the duty of said mayor forthwith **Amended.** **Service of process.**

to inform the common council thereof, or to take such demand or proceedings as by ordinance or resolution of said council may be in such case provided.

Amended.

Sidewalk and street improvements.

SECTION 36. Section one of chapter eleven is hereby amended so as to read as follows: Section 1. Every ordinance providing for the construction or reconstruction of any sidewalk or gutter, or for the grading, repairing or improving of any street, at the expense, in whole or in part, of the owners of the lots or parcels of land abutting or fronting such sidewalk, gutter or streets, shall, on being introduced at a meeting of the common council, be referred to some appropriate committee, and any such ordinance, resolution or by-law shall not be passed or adopted sooner than fourteen days after the introduction thereof, nor until one week after the proceedings of the council had relative thereto at the meeting when such ordinance, resolution or by-law was introduced, shall have been published in the official newspaper of said city.

Amended.

SECTION 37. Section three of chapter eleven is hereby amended by striking out the words "committee on streets," in the sixth line of said section, and inserting in its place the words "street committee."

Amended.

Sidewalks.

SECTION 38. Section four of chapter eleven is hereby amended so as to read as follows: Section 4. Sidewalks shall be constructed or reconstructed upon the proper established grade of any street in said city, of such width, in such manner, of such materials and in such time as the common council, by ordinance, shall direct, by the owner or owners of any lot or piece of ground in front of which such sidewalk shall be ordered; if the owner or owners of any such lot or piece of ground shall not construct such sidewalk as aforesaid, in the manner, of the material, or at the time as so directed, the common council may cause the same to be constructed forthwith at the expense of such owner or owners. The contract for the construction of any such sidewalk shall be let to the lowest reasonable, responsible bidder, and notice shall be given by publication in the official paper of the city, at least one week, of the time, place and manner of receiving such bids. The common council shall levy a special tax upon each lot or piece of ground in front of which any sidewalk shall be constructed by contract, sufficient to pay the cost of constructing the same: *provided*, that no such contract shall be let until twenty days' after notice shall have been given to such owner or owners, of the ordinance requiring the construction of such

sidewalk, by the publication of the same once in the official paper of the city: *provided, further*, that the lands used exclusively for farm purposes, not platted, shall not be liable for, nor the owner or owners thereof be required to build or maintain sidewalks along or fronting such lands, under the provisions of this chapter. The city clerk shall receive all proposals for constructing or reconstructing sidewalks, and shall open them in the presence of the council, which shall award the contract to the lowest responsible bidder: *provided*, such bid is a reasonable one, subject to such provisions in the case of violation of contract, and to such other particular provisions as the council may prescribe. No contractor for building or repairing sidewalks shall receive any pay therefor from the city, under any circumstances until the tax levied for that purpose shall have been paid to the city.

Amended.

Repair of sidewalks.

SECTION 39. Section five of chapter eleven is hereby amended so as to read as follows: Section 5. Whenever a sidewalk shall be out of repair, and so remain for the space of twenty-four hours, which, in the opinion of the street committee, will not cost to exceed the amount of five dollars, in front of any one lot of sixty feet front, or at that rate for part of a lot, to repair the same, the mayor, any alderman or the street commissioner, shall notify the marshal, who forthwith shall give notice to the party or parties to repair said sidewalks within forty-eight hours after notice; a copy of said notice, with return, to be filed with the city clerk. If the party or parties so notified refuse or neglect to repair said sidewalk, the mayor, upon notice, shall order the street commissioner forthwith to repair the sidewalk. When the repair is completed, he shall make out an itemized bill of the costs of such repair, specifying the lot or block or piece or parcel of land in front of which said work was done, duly verified by oath, and shall deliver the same to the city clerk, and said clerk shall forthwith present the same to the owner of such lot, piece or parcel of land, if a resident of the city of Columbus, for payment, or to his agent, or to the occupant of such lot or lots or parts of lots; and if the owner of such lot, piece or parcel of land shall refuse or neglect to pay the same within ten days, then the clerk shall report the fact to the council, and the council shall thereupon levy a special tax upon said lot, piece or parcel of land, to pay the same, in the same manner as special taxes are levied for the construction of sidewalks. In case the owner of such lot,

piece or parcel of land, does not reside in the city of Columbus, or has no agent then known to the city clerk or street commissioner, then the city clerk shall report said account to the common council, who shall thereupon levy a special tax to pay for the same in the same manner as before provided.

Amended.

SECTION 40. Section six of chapter eleven is hereby amended by striking out the words "sidewalks or," in the fifth line of said section.

Amended.

SECTION 41. Section seventeen of chapter eleven is hereby amended by striking out the words "or before the third," in the fifth line of said section, and inserting in their place the words "the first."

Amended.

Work to be let by contract.

SECTION 42. Section one of chapter thirteen is hereby amended so as to read as follows: Section 1. All work for the city or either ward may, in the discretion of the council, unless otherwise provided in this act, be let by contract to the lowest responsible bidder, and then at least one week's notice shall be given of the time and place of letting such contract. All printing for the use of the city of Columbus, or any of its departments, except such as provided in section nine of chapter four of the amended charter, shall be let to the lowest responsible bidder, and the city clerk shall give due notice, in writing, to all printers in said city, previous to a regular meeting of the common council, for sealed bids or proposals for certain job or jobs, that the city or any of its departments may need, and the city clerk shall open all bids for such printing, in presence of the common council, and the common council shall then award the contract to the lowest responsible bidder: *provided, however*, such bid is a reasonable one; *and provided, further*, that the common council shall have the right to reject all bids deemed exorbitant; and the common council shall, if deemed necessary, order the clerk to send for bids from printers outside of the city, and award to them the contract or contracts, if their rates are more acceptable to the common council.

Amended.

Credit not to be loaned.

SECTION 43. Section two of chapter thirteen is hereby amended so as to read as follows: Section 2. The credit of the city shall never be given or loaned in aid of any individual, association or corporation. No appropriation shall be made, except by a majority vote of all the aldermen-elect, unless otherwise herein provided; and no money shall be appropriated for any purposes whatever, except such as are expressly authorized by this act.

SECTION 44. Section three of chapter thirteen is hereby amended so as to read as follows: Section 3. The common council shall. annually in the month of March of each year, publish an account of the receipts and expenditures of the city for the information of the citizens. Amended. Account to be published.

SECTION 45. Section fifteen of chapter thirteen is hereby amended so as to read as follows: Section 15, Every male inhabitant of the city of Columbus, over twenty-one years of age and under fifty, except active members of the fire department, and those otherwise exempt by the general laws of this state, shall pay into the city treasury annually the sum of one dollar each, as poll tax. It shall be the duty of the assessor of the city of Columbus, during the month of April, to make out duplicate lists of all persons liable to said tax in the city of Columbus, and said assessor shall, on or before the first day of May of each year, deliver one of said lists to the city clerk, and one to the treasurer of said city of Columbus. The said treasurer shall thereupon immediately proceed to collect the same, and all persons liable to pay such tax who shall not have paid the same after demand, either personally or by written notice left at their usual place of abode, on or before the first day of July of each year, shall be liable to and pay a penalty of two dollars in addition to said poll tax, together with the costs of prosecution, to be prosecuted for by said treasurer, in the name of the city of Columbus. The process in each case shall be by warrant, as provided for in chapter nine of this act, entitled "actions to recover penalties, etc.;" and in case judgment shall be rendered against the defendant in such action, and he shall refuse or neglect to pay such judgment, he shall be imprisoned in the county jail ten days. The moneys collected as herein provided for shall be kept as a distinct fund, and shall be expended for the benefit and improvement of the streets of the city of Columbus. The mayor, city clerk and treasurer shall constitute a board to determine the liability of persons to pay such tax, and all persons claiming to be exempt from such tax must apply to said board within twenty days from the time when said list shall be delivered to the treasurer as aforesaid. The city treasurer shall receive the same fees for collecting said tax as he does for collecting taxes assessed upon real and personal property. Amended. Poll tax.

SECTION 46. Section sixteen of chapter thirteen is stricken out. Repealed.

Amended.

Actions.

SECTION 47. Section seventeen of chapter thirteen is hereby amended, so as to read as follows: Section 17. In all cases where an action might be brought by the city of Columbus against any person, company or corporation, such action may be commenced and prosecuted in the name of the city, by any elector or electors of said city: *provided*, that if the complaint is made by any person other than a police officer of said city, sheriff of Columbia county, or any officer of said city, the justice may, in his discretion, require security for costs, as in civil cases before justices of the peace.

Office of police justice abolished.

SECTION 48. The office of police justice for the said city of Columbus is abolished after the second Tuesday of April, A. D. 1878. The common council, at its meeting on the second Tuesday of April, A. D. 1878. shall by resolution designate one of the justices of the peace elected in said city, who shall keep on file in his office the docket and all papers belonging to the police justice, which justice of the peace shall have the authority to issue executions and give transcripts from said docket: *provided, however*, that the present incumbent of said office shall be and remain in office until said time, notwithstanding any provisions in this act to the contrary.

Repealed.

SECTION 49. All acts or parts of acts inconsistent and conflicting with the provisions of this act, are hereby repealed; but the repeal of said acts or parts of acts shall not in any manner affect, injure or invalidate any contract, claims, suits, penalities or demands, that may have been entered into, performed, commenced, or that may exist under or by virtue or in pursuance of the said acts, or any former act incorporating the city of Columbus or any of them, but the same shall exist and be enforced and carried out and completed, as fully and effectually, to all intents and purposes, as if this act had not been passed.

SECTION 50. This act shall take effect and be in force from and after its passage and publication.

Approved March 14, 1878.

[No. 56, S.] [Published March 18, 1878.]

CHAPTER 161.

AN ACT to amend section fourteen of chapter two of chapter two hundred and sixty-two of the laws of Wisconsin of 1875, entitled, An act to revise, consolidate and amend an act to incorporate the city of Green Bay, and the several acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section fourteen of chapter two of chapter two hundred and sixty-two of the laws of Wisconsin of 1875, entitled, An act to revise, consolidate and amend an act to incorporate the city of Green Bay, and the several acts amendatory thereof, is hereby amended so as to read as follows: Section 14. The official term of the city treasurer of the city of Green Bay shall commence on the first day of August next succeeding his election, and shall end on the 31st day of July next thereafter, if his successor shall then be elected and qualified. The term of all other officers elected under this act shall commence on the second Tuesday of April of the year for which they were elected, and shall, unless herein otherwise provided, continue for one year, and until their successors are elected and qualified. The term of the city treasurer now in office shall expire on the thirty-first day of July, 1878. Amended. Term of treasurer.

SECTION 2. Section two of chapter one hundred and seventy-nine of laws of Wisconsin of 1876, is hereby repealed, and section three of chapter one of chapter two hundred and sixty-two, laws of Wisconsin of 1875, is hereby re-enacted and declared to be in full force and effect from and after the passage of this act. Repealed and re-enacted.

SECTION 3. Section three of chapter one hundred and seventy-nine, laws of Wisconsin of 1876, is hereby repealed, and section one of chapter two of chapter two hundred and sixty-two, laws of Wisconsin of 1875, is hereby re-enacted and declared to be in full force and effect, from and after the passage of this act. Repealed and re-enacted.

SECTION 4. At the election in said city, to be held on the first Tuesday of April, 1878, the voters present at the time for the opening of the polls in each of the wards of the city as designated by law, and at the place so designated by the common council of said city for holding such election in each of said wards, shall select persons, residents of such wards, to act as inspectors Inspectors and clerks of election.

and clerks of said election; and thereafter elections in said wards shall be conducted as prescribed in section six of chapter two of chapter two hundred and sixty-two, laws of Wisconsin of 1875.

Repealed, re-enacted and amended.

SECTION 5. Section seven of chapter one hundred and seventy-six of laws of Wisconsin of 1876, is hereby repealed, and section thirteen of chapter two of chapter two hundred and sixty-two, laws of Wisconsin of 1875, re-enacted and amended so as to read as follows: Section 13. A supervisor to represent each ward of said city in the county board of supervisors of Brown county, shall be annually elected at the time and place of the election of aldermen for said city; each supervisor so elected shall hold his office for one year, and shall be, when so elected, a resident of the ward for which he is elected.

Supervisors.

Amended.

Preservation against fire.

SECTION 6. Section two of chapter eight, of chapter two hundred and sixty-two, laws of Wisconsin of 1875, is hereby amended so as to read as follows: Section 2. The common council shall have power to prevent the dangerous construction and condition of chimneys, fire places, hearths, stoves, stove pipes, ovens, boilers and apparatus, used in and about any building, and to cause the same to be removed or placed in a safe and secure condition, when considered dangerous; to prevent the deposit of ashes in unsafe places; to regulate and prevent the carrying on of manufactures, dangerous in causing or promoting fire; to regulate and prevent the use of fire-works and fire-arms; to compel the owners and occupants of buildings to have scuttles in the roof, and stairs or ladders leading to the same; to authorize the mayor, aldermen, fire wardens, and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons, and to compel all bystanders to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient, and to provide penalties for the violation of any resolution or ordinance passed under this section.

Amended.

Fire companies

SECTION 7. Section three of chapter eight, of chapter two hundred and sixty-two, law of Wisconsin of 1875, is hereby amended so as to read as follows: Section 3. The common council shall have full power to purchase fire engines, hose and all other necessary fire apparatus, and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the due

and proper support and regulation of the same, and to order such companies to be disbanded, and their meetings to be prohibited and their apparatus to be delivered up. Each company shall not exceed fifteen able bodied men, between the ages of eighteen and fifty years, and may elect their own officers and form their own by-laws, not inconsistent with the laws of this state or the ordinances or regulations of said city, and shall be formed only by voluntary enlistments. Every member of said company hereby authorized to be formed, shall be exempt from highway work and poll tax, and from serving on juries and from military duty, except in case of war, insurrection or invasion during the continuance of such membership; and any person having served for the term of ten years in either of such companies, shall be forever thereafter exempt from poll tax and military and jury duty, except as in cases before mentioned.

Amended.

SECTION 8. Section four of chapter eight of chapter two hundred and sixty-two, laws of Wisconsin of 1875, is hereby amended so as to read as follows: Section 4. The common council shall, at their first regular meeting in January of each year, elect one chief engineer and one assistant chief engineer, officers of the fire department, who shall hold their office for one year and until their successors are elected and qualified. The chief engineer shall have command over all members of the fire department, over the engineers having the steam fire engines in charge, and also at fires, over all persons present. It shall be in the power of the chief engineer to cause any alterations, additions or repairs on or to any buildings or apparatus used for the purposes of the fire department, which are required immediately to be made: *provided*, the outlay and expenses in any one such case shall not exceed the sum of fifty dollars, also to buy fuel and all necessaries for the department, except hose and apparatus. It shall be the duty of the chief engineer to have all fire engines and other apparatus belonging to the city and used for the purposes of its fire department, kept in good condition for immediate use, and to report annually to the common council thereon, or as often as circumstances render it expedient, or when directed by the mayor or common council. He shall perform all such other duties in the fire department as the common council may direct by ordinance. In the absence of the chief engineer the assistant chief engineer shall take his place, and have the same power and authority and perform the same du-

Fire department.

ties, and report to the chief engineer as soon as practicable. At the time of the election of the chief engineer, his annual salary shall be fixed by the common council, payable quarterly. The annual salary of the assistant chief engineer shall be fixed at the time and in the manner as the chief's, payable quarterly. The chief engineer and also the assistant chief engineer, before entering upon their duties, shall each give a bond to the city, to be approved by the common council, in such penal sum as the common council may require. The first election of said chief engineer and assistant engineer, shall take place at the first regular meeting of the common council after this law shall take effect, and if not then held, at any subsequent regular meeting of said council thereafter.

Amended.

SECTION 9. Section six of chapter eight of chapter two hundred and sixty-two, laws of Wisconsin of 1875, is hereby amended so as to read as follows: Section 6. The net proceeds of all fines and penalties recovered and collected for breach of any ordinance, by-law or regulation made in pursuance of this chapter shall be paid by the city treasurer to the fire department.

Fines, etc.

Amended.

SECTION 10. Section seven of chapter eight of chapter two hundred and sixty-two, laws of Wisconsin of 1875, is hereby amended so as to read as follows: "Section 7. When any person shall refuse to obey the lawful order of the chief engineer, or the assistant chief engineer, fire warden, or aldermen of the city, the mayor or chief of police, at any time when said company or companies or any of them are on duty as a company, either at the time of a fire, fire alarm, parade or inspection, it shall be lawful for the officer giving such order to arrest or direct orally the chief of police, constable or watchman or any citizen, to arrest such person and to confine him temporarily in any safe place until such companies return with their apparatus to their respective engine houses; and in the same manner such officers, or any of them, may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly, and any person who shall refuse to arrest or aid in such arresting any person so refusing to aid, shall be liable to such penalty as the common council may prescribe, not exceeding twenty dollars."

Penalty for refusal to obey.

Amended.

SECTION 11. Section nine of chapter eight of chapter two hundred and sixty-two, laws of Wisconsin of 1875, is hereby amended so as to read as follows: Section 9. There shall be a meeting of the members

Secretary and treasurer of fire companies.

of the different fire companies on the third Monday of April in each year, at such place as may be designated by the chief engineer, when the active members of said companies shall nominate and recommend to the common council, for appointment, one treasurer, and one secretary or clerk. The common council shall thereupon confirm or reject said nominations, and the persons so appointed shall perform such duties as the common council shall prescribe. In case the common council should reject such nominees, the said members shall, at a meeting held one week after such rejection, nominate other persons to hold such offices, which nominations shall also be subject to the approval of said council. The treasurer of the fire department shall receive and pay out all moneys belonging to said department, and shall secure the faithful performance of his duty by his bond to said city in such penal sum as shall be required, and with sureties to be approved by the common council. Such moneys shall only be paid out on orders signed by the chief engineer or acting chief engineer, and countersigned by the clerk of said department.

Amended.

SECTION 12. Section one of chapter one hundred and seventy-nine, laws of Wisconsin of 1876, is hereby amended by striking out all between the word "line," in the sixth line thereof, and the word "strike," in the eighth line thereof, and inserting in lieu thereof the words and figures "drawn through the centre of the alleys running through blocks numbered from thirty-three to forty-two, both inclusive, in Eastman's addition to the city of Green Bay, will," and by striking out the words, "south sixty-four degrees east," in the tenth line thereof, and inserting in lieu thereof the words, "along said line so drawn through the center of said alleys," so that section shall read as follows: Section 1. Section two of chapter one of said act is hereby amended so as to read as follows: Section 2. All the territory within Brown county hereinafter described and bounded, shall be included and constitute the limits of the city of Green Bay, to-wit: commencing at a point where a line drawn through the center of the alleys running through blocks numbered from thirty-three to forty-two, both inclusive, in Eastman's addition to the city of Green Bay will strike the eastern bank of Fox river, and running thence along said line so drawn through the center of said alleys to the west line of section thirty-two, town twenty-four, range twenty-one east; thence due south along the section

Change of boundaries.

ties, and report to the chief engineer as soon as practicable. At the time of the election of the chief engineer, his annual salary shall be fixed by the common council, payable quarterly. The annual salary of the assistant chief engineer shall be fixed at the time and in the manner as the chief's, payable quarterly. The chief engineer and also the assistant chief engineer, before entering upon their duties, shall each give a bond to the city, to be approved by the common council, in such penal sum as the common council may require. The first election of said chief engineer and assistant engineer, shall take place at the first regular meeting of the common council after this law shall take effect, and if not then held, at any subsequent regular meeting of said council thereafter.

Amended.

SECTION 9. Section six of chapter eight of chapter two hundred and sixty-two, laws of Wisconsin of 1875, is hereby amended so as to read as follows: Section 6. The net proceeds of all fines and penalties recovered and collected for breach of any ordinance, by-law or regulation made in pursuance of this chapter shall be paid by the city treasurer to the fire department.

Fines, etc.

Amended.

SECTION 10. Section seven of chapter eight of chapter two hundred and sixty-two, laws of Wisconsin of 1875, is hereby amended so as to read as follows: "Section 7. When any person shall refuse to obey the lawful order of the chief engineer, or the assistant chief engineer, fire warden, or aldermen of the city, the mayor or chief of police, at any time when said company or companies or any of them are on duty as a company, either at the time of a fire, fire alarm, parade or inspection, it shall be lawful for the officer giving such order to arrest or direct orally the chief of police, constable or watchman or any citizen, to arrest such person and to confine him temporarily in any safe place until such companies return with their apparatus to their respective engine houses; and in the same manner such officers, or any of them, may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly, and any person who shall refuse to arrest or aid in such arresting any person so refusing to aid, shall be liable to such penalty as the common council may prescribe, not exceeding twenty dollars."

Penalty for refusal to obey.

Amended.

SECTION 11. Section nine of chapter eight of chapter two hundred and sixty-two, laws of Wisconsin of 1875, is hereby amended so as to read as follows: Section 9. There shall be a meeting of the members

Secretary and treasurer of fire companies.

of the different fire companies on the third Monday of April in each year, at such place as may be designated by the chief engineer, when the active members of said companies shall nominate and recommend to the common council, for appointment, one treasurer, and one secretary or clerk. The common council shall thereupon confirm or reject said nominations, and the persons so appointed shall perform such duties as the common council shall prescribe. In case the common council should reject such nominees, the said members shall, at a meeting held one week after such rejection, nominate other persons to hold such offices, which nominations shall also be subject to the approval of said council. The treasurer of the fire department shall receive and pay out all moneys belonging to said department, and shall secure the faithful performance of his duty by his bond to said city in such penal sum as shall be required, and with sureties to be approved by the common council. Such moneys shall only be paid out on orders signed by the chief engineer or acting chief engineer, and countersigned by the clerk of said department.

Amended.

SECTION 12. Section one of chapter one hundred and seventy-nine, laws of Wisconsin of 1876, is hereby amended by striking out all between the word "line," in the sixth line thereof, and the word "strike," in the eighth line thereof, and inserting in lieu thereof the words and figures "drawn through the centre of the alleys running through blocks numbered from thirty-three to forty-two, both inclusive, in Eastman's addition to the city of Green Bay, will," and by striking out the words, "south sixty-four degrees east," in the tenth line thereof, and inserting in lieu thereof the words, "along said line so drawn through the center of said alleys," so that section shall read as follows: Section 1. Section two of chapter one of said act is hereby amended so as to read as follows: Section 2. All the territory within Brown county hereinafter described and bounded, shall be included and constitute the limits of the city of Green Bay, to-wit: commencing at a point where a line drawn through the center of the alleys running through blocks numbered from thirty-three to forty-two, both inclusive, in Eastman's addition to the city of Green Bay will strike the eastern bank of Fox river, and running thence along said line so drawn through the center of said alleys to the west line of section thirty-two, town twenty-four, range twenty-one east; thence due south along the section

Change of boundaries.

line to the northern boundary of private claim number three, east side of Fox river, thence north sixty-four degrees, west ninety-seven feet to the east side of the public highway, laid out according to the recorded plat of the subdivision of private claims number three, four, five, six and seven; thence south twenty-six degrees west along the easterly line of said highway one thousand six hundred and ninety-four feet to the south line of the continuation of Cass street in said city; thence north sixty-four degrees west along the southerly line of the continuation of said street one thousand two hundred and fifty feet tc the center of the channel of East river, thence up and along the middle of said river to a point therein midway between the north and south line of private claim number nine; thence sixty-four degrees west, along the center line of said claim to the east side of Webster avenue; thence south eighteen degrees, west twenty-six chains and sixty links to the south line of private claim number eleven; thence south twenty-six degrees west twelve chains to the south line of private claim number twelve; thence north sixty-four degrees west eighty feet; thence north twenty-six degrees east twelve chains; thence north eighteen degrees east, twenty-six chains and sixty links to the middle of private claim number nine; thence north sixty-four degrees west along the middle of said claim to the center line of the channel of Fox river; thence down and along the center line of said channel to a point where the northern boundary of said city, as herein described would, extended westerly, intersect the same, thence to the place of beginning.

SECTION 13. This act shall take effect and be in force from and after its passage and publication.

Approved March 14, 1878.

[No. 46, S.] [Published March 15, 1878.]

CHAPTER 162.

AN ACT to fix the compensation of the Assistant Attorney General.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Salary. SECTION 1. The assistant attorney general shall receive a salary of two thousand dollars per annum

which shall be in full for all services rendered by him in his official capacity; which shall be paid out of the treasury of the state in monthly payments, and it shall be the the duty of the attorney general and his regularly appointed assistant to conduct and do all of the legal business of the state and hereafter no additional counsel shall be employed except in extraordinary cases, in which the governor, secretary of state and state treasurer shall certify it to be necessary: *provided*, that the assistant attorney general shall devote all of his time to the duties of the office.

Appropriation.

SECTION 2. There is hereby annually appropriated from the general fund a sum of money sufficient to carry into effect the provisions of this act.

Repealed.

SECTION 3. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 14, 1878.

[No. 74 S.] [Published March 23, 1878.]

CHAPTER 163

AN ACT to improve Stony Creek, and its tributaries in Door and Kewaunee counties.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Construction of dams authorised.

SECTION 1. Charles L Fellows, and his associates, or his or their assignees, are hereby authorized and empowered to improve said creek and its tributaries, by building and maintaining dams, clearing and straigthening channels, closing sloughs, and otherwise treating them so as to improve said creek and its tributaries for driving or floating logs, ties, posts, wood, bolts, etc., and keep the same in repair and at all times operate the same for the driving and floating of all logs, ties, posts, wood, bolts, etc., that may be put in said creek or its tributaries, for the purpose of being driven or floated down said creek or its tributaries; said Fellows, his assigns or associates, to pay for any and all damage that may arise from the building and main taining said dam.

Tolls.

SECTION 2. Whenever the said Fellows, his associates or assignees, shall have so improved said creek or its tributaries as to render the driving or floating of logs, ties, posts, wood, bolts, etc., down said creek or its tributaries, practicable and reasonably safe and certain, with such rises of water and freshets as are necessary, in connection with such improvements, to float and drive logs, ties, posts, wood, bolts, etc., from any point below the north line of the town of Forestville, Door, county, the said Fellows, his associates or assignees, shall be entitled to charge, collect and receive, in consideration of such improvement and facilities obtained hereby, from any and all persons running or contracting such logs, ties, posts, wood, bolts, etc., in said creek or its tributaries, twenty cents per thousand feet, board measure, on all logs; two cents each for all ties, one cent each for all posts, twenty cents per cord for all wood or bolts designed and intended to be driven down said creek and its tributaries, the amount of such logs, ties, bolts, posts, wood, etc., to be determined by the mutual agreement of the parties interested.

Lien for tolls.

SECTION 3. Any charges for tolls or otherwise, which the said Fellows, his associates or assignees, may have on account of said improvement, or for the driving of any logs, ties, posts, wood, bolts, etc., under and by by virtue of this act, shall be a lien upon such logs, ties, posts, bolts, wood, etc., as may be put in said creek or its tributaries, or that may be driven down said creek and its tributaries, by said Fellows, his associates or assignees, and unless paid within ten days after said logs, ties, posts, wood, bolts, etc., are driven down said creek or its tributaries, the said charges shall become a lien on such logs, ties, posts, wood, bolts, etc., and may be enforced by said Fellows, his associates or assignees, in the same manner as other liens for services and labor on logs, etc., are enforced, and for this purpose may hold and detain such logs, ties, posts, wood, bolts, etc., until such toll and charges are paid.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 14, 1878.

[No. 117, S.] [Published March 25, 1878.]

CHAPTER 164.

AN ACT to lay out and establish a state road in the counties of Jackson, Wood and Clark.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Commissioners created.

SECTION 1. John L. Sullivan, S. T. Stayson and Charles Felt, are hereby appointed commissioners, with full power and authority to survey, lay out and establish a state road from City Point, on the southeast quarter of section twenty-five, town twenty-two, range one east, in the county of Jackson, through the counties of Wood and Clark, to the north side of section seven, township twenty-four north, of range two east, in the county of Wood.

Plat of survey.

SECTION 2. After said commissioners shall have laid out said state road, or such part thereof as in their opinion the public good may require, they shall make out a correct map or plat of survey of same, and file it in the office of the county clerks in the different counties in which the same may be located.

Damages.

SECTION 3. Said commissioners shall have full power to award damages and settle with parties who may feel aggrieved or sustain damages by the laying out and establishing of said road: *provided*, the amount of damages so awarded shall in no one case exceed twenty dollars. All claims for damages shall be made within one year from the time said commissioners shall have filed the plat or survey of the road in the office of the county clerks, as required by section two of this act, and all damages so awarded shall be paid by the towns in which the lands are located which are damaged thereby.

Public highway

SECTION 4. Upon the filing of the survey of said road in the office of the county clerk of the county, as above required, said road shall become a public highway, and the said commissioners shall have full power to order it opened and obstructions removed therefrom, in the same way and to the same extent that supervisors of towns have to open highways and remove obstructions therefrom in their respective towns.

Compensation.

SECTION 5. As compensation for services in laying out and establishing said road, the commissioners shall receive such compensation as may the allowed them by the board of supervisors of the several counties through which the said road may be run.

Repairs.

SECTION 6. Such road shall be worked and kept in repair by the towns in which it may be located as on other highways.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 14, 1878.

[No. 175, S.] [Published March 23, 1878.]

CHAPTER 165.

AN ACT to legalize the acts of the common council of the city of Chippewa Falls, relating to street work, and to authorize the assessment and collection of the amount thereof as a special tax.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Legalized.

SECTION 1. The proceedings of the common council of the city of Chippewa Falls, Wisconsin, in the grading of Spring street in the city of Chippewa Falls, Wisconsin graded by Hall & Brandett, under order of the common council of said city and under their contract therefor of August 5, 1875, is hereby legalized and made of as full force and effect as if the same had corresponded fully with all of the requirements and provisions of sub-chapter eleven, chapter one hundred and sixty-nine, laws of Wisconsin of 1873, and the amendment thereto.

Special tax.

SECTION 2. The proper authorities of said city are hereby authorized to order that the amount of the unpaid certificates for the grading of said street be assessed to and upon the lots of land respectively upon which the same is chargeable, and to enter the same upon the next annual tax roll as a special tax, to be collected therefrom for the benefit of the holders of said certificates and to proceed to collect the same according to law as other taxes on real estate are collected by virtue of the laws of this state, except that personal property shall not be seized or sold for the payment thereof.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 14, 1878.

[No. 43, S.] [Published March 23, 1878.]

CHAPTER 166.

AN ACT authorizing the State Board of Health to make its annual report to the governor, and publish an additional number of copies thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Hereafter, the State Board of Health shall make its annual report to the governor. Annual report.

SECTION 2. The secretary of state is hereby authorized to publish and distribute, under the direction of the State Board of Health, eight thousand copies of each of its annual reports, including the report of the year 1877, and to cause two hundred copies of each of said reports to be bound in cloth for the exchanges of said board. Publication and distribution of reports.

SECTION 3. There is hereby appropriated out of the state treasury a sum not exceeding three hundred dollars, for the purpose of carrying out the provisions of this act. Appropriation.

SECTION 4. This act shall be in force and take effect from and after its passage and publication.

Approved March 14, 1878.

[No. 192, S.] [Published March 23, 1878.]

CHAPTER 167.

AN ACT to amend chapter one hundred and three, laws of 1877, entitled "An act relating to the license fund received by the city of Chippewa Falls."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section two of said act is hereby amended so as to read as follows: Section 2. It shall be the duty of the common council of the city of Chippewa Falls to appropriate the money retained, according to the provisions of the first section of this act, to any public library association which shall be formed in said city under the general laws of this state, under such restrictions as the common council shall prescribe from time to time. Amended. Appropriation of certain moneys.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 14, 1878.

[No. 38, S.] [Published March 25, 1878.]

CHAPTER 168.

AN ACT to appropriate a sum of money therein named to the Wisconsin State Hospital for the Insane, for payment of current expenses.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation. SECTION 1. There is hereby appropriated to the State Hospital for the Insane, out of any money in the general fund, not otherwise appropriated, the sum of eighty-nine thousand, three hundred and seventy-two dollars, for the following purposes: For payment of current expenses from January 1st, 1878, to March 1st, 1879, sixty-eight thousand, nine hundred and seventy-two dollars; for permanent improvements and miscellaneous purposes, twenty thousand and four hundred dollars.

How drawn. SECTION 2. All sums of money appropriated by this act, for the payment of current expenses, shall be drawn from the treasury not oftener than quarterly in advance, and all other sums when needed for the purposes for which the appropriation is made.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 14, 1878.

[No. 201, S.] [Published March 25, 1878.]

CHAPTER 169.

AN ACT to amend chapter eighty-five of the general laws of 1870, entitled "An act to provide for the representation of cities and incorporated villages in county boards of supervisors."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended. SECTION 1. Section one of chapter eighty-five of the general laws of 1870 is hereby amended so as to

read as follows: Section 1. Every ward or part of a ward of any city in this state, and every incorporated village or part of an incorporated village in this state, shall be represented in the board of supervisors of the county in which such ward or part of a ward of any city or incorporated village or parts of an incorporated village is situated, by one supervisor, unless the charter of any such city shall provide for a less number than one from each ward. Representation

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 14, 1878.

[No. 149, S.] [Published March 25, 1878.]

CHAPTER 170.

AN ACT relating to the drainage fund in the several towns.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The town boards of supervisors of the several towns in this state are authorized to appropriate and expend that portion of the drainage fund belonging to such towns, now on hand, in constructing and repairing public roads and bridges in their towns: *provided*, that no greater sum shall be expended in any one year for such purposes, than is authorized under existing laws. Drainage fund for highways.

SECTION 2. All acts and parts of acts contravening the provisions of this act are hereby repealed. Repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 14, 1878.

[No. 299, A.] [Published March 20, 1878.]

CHAPTER 171.

AN ACT to revise and amend an act entitled an act in relation to public schools in the city of Watertown, approved March 15, 1856, and the several acts amendatory thereof, and to repeal chapter one hundred and forty of the laws of 1856, and all acts amendatory thereof relating to public schools in the city of Watertown.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

School district.

SECTION 1. The city of Watertown, in this state, shall constitute one school district.

Board of education.

SECTION 2. The management of all public schools in said city shall be under the control of a board of education, consisting of one school commissioner from each ward of said city, and a superintendent of schools. Each school commissioner shall be a resident of the ward for which he is elected, and shall be entitled to one vote on every question acted upon by said board.

Manner of election.

SECTION 3. The school commissioners shall be elected at the annual election for city and ward officers in said city, for the term of two years, in the following manner, to-wit: In each odd numbered year there shall be elected one commissioner in each of the odd numbered wards; and in each even numbered year there shall be elected one commissioner in each of the even numbered wards.

Vacancies.

SECTION 4. Whenever there shall be a vacancy in the office of school commissioner in any ward, that fact shall be reported by the clerk of the board of education, in writing, to the common council of said city, and the said council shall fill all vacancies, so reported, by appointment, and the commissioners so appointed shall be residents of the wards for which they are appointed, and shall hold the office during the unexpired part of the term of those whose places they are appointed to fill. No member of the board of education shall be removed by the common council.

When to be deemed vacant.

SECTION 5. The only cases in which the office of school commissioner shall be deemed to be vacant shall be in case of the death or resignation of the incumbent, or his removal from said city, and all resignations of said office shall be in writing, and addressed to the board of education, and such resignations shall be preserved and filed by the clerk of said board, and a record thereof kept in the journal.

SECTION 6. Every person who shall be elected or appointed to the office of school commissioner, shall, before he enters upon the discharge of the duties of his office, and within ten days after his election or appointment, take the oath of office prescribed by the constitution of this state, and cause the same to be filed in the office of the city clerk. Oath.

SECTION 7. Whenever there shall have been a failure in any ward to elect a school commissioner at the proper time, as required by this act, and whenever any person elected or appointed to such office, shall neglect to qualify, as required by this act, then in each of such cases the common council of said city shall have the power and it shall be its duty to appoint a commissioner for such ward, and the commissioner so appointed shall continue in office until the expiration of the term for which he would have held, had he been elected at the proper time for a full term, as the successor in office of one whose term was about to expire. Failure to elect

SECTION 8. At the first regular meeting of said board of education, in May of each year, said board shall elect a superintendent of schools of said city, who shall be *ex-officio* clerk of the board, whose term of office shall commence on the second Monday after his election, and shall continue for one year and until the election and qualification of his successor. In the election of such superintendent, the members of said board shall vote *viva voce*, and it shall require a majority of all the members of said board to elect; and the clerk of said board shall record in the journal of the board, the result of such election, and also enter therein for whom each member voted on the final vote. Supt. of schools

SECTION 9. The said board shall have the power, and it shall be its duty, to elect a superintendent to fill any vacancy in that office occasioned by death, resignation or removal from said city. An election to fill a vacancy shall be conducted in the same manner as regular elections, and the superintendent so elected shall hold the office for the unexpired part of the term. Vacancy.

SECTION 10. Said board shall be styled the board of education of the city of Watertown, which shall be a body corporate in relation to all the powers and duties conferred on it by virtue of this act. A majority of the board shall form a quorum. At the first meeting after their election, as provided by this act, the commissioners shall elect one of their number president, and the president shall appoint the following committees, each to consist of three members of the board, viz: Powers and duties of board.

On Finance.
On Text-books.
On Buildings.

When the president shall be absent, a president *pro tem.* may be elected.

Committees—duties of.

SECTION 11. The duties of said committees shall be as follows, viz.: The committee on finance shall examine the condition of the school fund and tuition fund once every three months, and oftener if it deems it advisable to do so, and shall pass upon all bills presented to said board before the same shall be allowed, and have a general advisory supervision over the financial interests and transactions of the board.

The committee on text-books shall—

1st. Keep a list of all the books purchased by the board of education.

2d. Audit all the bills and examine all the vouchers for said books.

3d. Make all needful rules and regulations in regard to text-books, subject to the approval of the board.

4th. Report to the board whenever required.

The committee on buildings shall advise with the superintendent in all things relating to buildings and grounds.

No compensation allowed.

SECTION 12. The school commissioners shall receive no compensation for their services.

Duties of clerk.

SECTION 13. The clerk of said board shall keep a record of the proceedings thereof, and perform such other duties as the board may prescribe, which record, or a transcript thereof, certified by the president and clerk, shall be received in all courts as *prima facie* evidence of the facts therein set forth; and such records, and all the books and accounts of the said board, shall at all times be subject to the inspection of any committee thereof.

Taxes for school purposes

SECTION 14. The city council of the said city shall have the power, and it shall be its duty, to raise from time to time, by tax upon real and personal estate in said city, which shall be liable to taxation for the ordinary city taxes, or for city and county charges, in addition to the amount of school moneys now or hereafter appropriated or provided by law for common schools in said city, such sums as may be determined and certified by the said board of education to be necessary or proper for any or all of the following purposes: *provided*, the common council is of the opinion the same ought to be raised:

1st. To purchase, lease or improve sites for school houses.

2d. To build, purchase, lease, enlarge, alter, improve and repair school houses and their outhouses and appurtenances.

3d. To purchase, exchange, improve and repair school apparatus, text-books, furniture and appendages.

4th. To procure fuel, and defray the contingent expenses of the common schools, and the expenses of the district library of said city.

5th. To pay wages of teachers due after the application of the public moneys, which may by law be appropriated and provided for that purpose: *provided, nevertheless*, that no tax shall be levied for such purpose more than once in each year; *and provided, also*, that the amount to be raised for teachers' wages and for contingent expenses in any one year, shall in no case exceed eight mills, or be less than five mills on the dollar of the assessed valuation of all property in said city.

Levy and collection.

SECTION 15. The city council shall cause the tax or taxes herein provided for to be levied and collected annually on all such real and personal property, or capital of any kind, within said city, as is subject to taxation by the laws for levying taxes for the state, for the time being; said taxes to be levied and collected in the same manner as annual taxes are levied and collected in said city.

Funds payable to treasurer.

SECTION 16. All moneys to be raised pursuant to the provisions of this act, and all school moneys by law appropriated to or provided for said city, shall be paid to the treasurer of said city, who, together with the sureties upon his official bond, shall be accountable therefor in the same manner as for other moneys of the said city. The said treasurer shall also be liable to the same penalties for any official misconduct in relation to the said moneys as for any similar misconduct in relation to other moneys of the city.

Funds payable only on order.

SECTION 17. After the passage of this act, the treasurer of said city shall not pay out any moneys in his hands, received by the said city, either as school moneys or collected or received by virtue of any of the provisions of this act, excepting upon an order drawn upon him and signed by the president and clerk of said board of education, and no such order shall be drawn except by virtue of a resolution of the said board.

Malfeasance.

SECTION 18. The said board may cause a suit or suits to be prosecuted in the name of the city of Watertown, upon the official bond of the treasurer or of any collector for said city, for any default, delinquency, or

official misconduct in relation to the collection, safe-keeping or payment of any moneys in this act mentioned.

Duties of board.

SECTION 19. The said board shall have power, and it shall be its duty:

1st. To establish and organize such and so many schools in the several wards of the city, as it shall deem requisite and expedient, and to alter and discontinue the same.

2d. To purchase or hire school houses and rooms, and lots or sites for school houses, and to fence and improve them as it deems proper.

3d. Upon such lots and upon any sites now owned by said city, to build, enlarge, alter, improve and repair school houses, outhouses and appurtenances, as it may deem advisable.

4th. To purchase, exchange, improve and repair school apparatus, text-books, furniture and appendages, and to provide fuel for the schools and defray their contingent expenses, and the expenses of the district library.

5th. To have the custody and safe-keeping of the school houses, out-houses, books, furniture and appendages, and to see that the ordinances of the city council in relation thereto are observed.

6th. To contract with and employ all teachers in the common schools and the high schools, who shall have been licensed by the superintendent, and, if it deems expedient, to remove them.

7th. To pay the wages of said teachers out of the school moneys which shall be appropriated and provided in said city, so far as the same shall be sufficient, and the residue thereof from the money authorized to be raised for that purpose by section fourteen of this act, by tax upon the city.

8th. To defray the necessary contingent expenses of the board.

9th. To have, in all respects, the supervision, superintendence and management of the common schools in said city, and from time to time to adopt, alter, modify and repeal, as it may deem expedient, rules and regulations for their organization and government, instructions for the reception of pupils, and their transfer from one school to another, and generally for the promotion of their good order, prosperity and public utility.

10th. Whenever, in the opinion of the board, it may be advisable to sell any of the school houses, lots or

sites, or any of the school property now or hereafter belonging to the city, to report the same to the city council.

11th. To prepare and report to the city council such ordinances and regulations as may be necessary or proper for the protection, safe keeping, care and preservation of school houses, lots, sites and appurtenances, and all the property belonging to the city, connected with or appertaining to the school, and to suggest proper penalties for the violation of such ordinances and regulations, and annually to determine and certify to said city council the sums, in its opinion, necessary or proper to be raised under the fourteenth section of this act, specifying the sums required for each of the purposes therein named, and the reasons therefor.

12th. To suspend any pupil from the privileges of the school for non-compliance with the rules established by them, or by the teacher with their consent; and also for being infected, or being a member of a family infected by a contagious disease.

13th. To expel from the school and from the school premises any pupil who shall persistently refuse or neglect to obey the rules and regulations above mentioned, or who shall be guilty of open or gross immorality, whether manifested by licentious language, manners or habits, although not manifested by acts of licentiousness or immorality within the school, whenever, upon due examination, they shall become satisfied that the interests of the school demand such expulsion. And in all cases of suspension for contagious diseases or expulsion of pupils, it shall be the duty of the superintendent to give notice thereof in writing to the parents or guardians of such pupils, and to the common council or board of street commissioners, and give the reasons therefor.

Non-resident children.

SECTION 20. The said board shall have power to allow the children of persons not residents within the city, to attend any of the schools of said city, under the care and control of said board, upon such terms as said board shall by resolution prescribe, fixing the tuition to be paid therefor.

Available funds

SECTION 21. It shall be the duty of said board, in all their expenditures and contracts, to have reference to the amount of moneys that shall be subject to their order during the current year, for the particular expenditure in question, and not to exceed such amount.

Trustees of library.

SECTION 22. The said board of education shall be trustees of the district library in said city, and all the

provisions of law which now are or may hereafter be passed relating to district school libraries, shall apply to the said board in the same manner as if they were trustees of an ordinary school district; they shall also be vested with the discretion as to the disposition of the moneys appropriated by any law of the state for the purchase of libraries, which is therein conferred upon the inhabitants of school districts. It shall be their duty to provide a library room and the necessary furniture therefor, and to appoint a librarian; to make all purchase of books for the said library, and from time to time to exchange or cause to be repaired the damaged books belonging thereto. They may also sell any books they may deem useless or of an improper character, and apply the proceeds to the purchase of other books.

Annual report.

SECTION 23. It shall be the duty of the said board, at least fifteen days before the annual election of commissioners in each year, to prepare and report to the city council a true and correct statement of the receipts and disbursements of moneys under and in pursuance of the provisions of this act during the preceding year, in which account shall be stated under appropriate heads:

1st. The school moneys received by the treasurer of the city from the county treasurer.

2d. The moneys received from direct tax.

3d. All other moneys received by the treasurer, subject to the order of the board, specifying the sources. And the city council shall cause the same to be published in the official newspaper of said city.

Subject to rules of State Supt.

SECTION 24. The said board shall be subject from time to time, to the rules and regulations made by the state superintendent of common schools, so far as the same may be applicable to them and not inconsistent with the provisions of this act.

Powers and duties of city superintendent.

SECTION 25. The city superintendent of schools shall be the executive officer of the board of education, shall examine all teachers making application for schools (examinations to be public and in the presence of the board), shall grant certificates to such persons so examined, as shall be deemed by him and a majority of the board, suitably qualified, and shall carry into effect the ordinances of the common council, and the rules and regulations of the board in reference to the common schools; he shall also be specially charged with the care and custody of the several school houses of the city, and under the direction of the board, shall

superintend the building, enlarging, improving, furnishing and repairing of all the school houses ordered to be erected by them, and the making of all repairs and improvements on and around the same. In addition to the foregoing duties, he shall visit the common schools of the city at least twice during each term, and report their condition to the board, with such suggestions for their improvement as he may deem proper. He shall also perform such other duties with respect to such schools as the board may assign to him. The amount of his compensation shall be determined by the city council, and the manner of payment.

Further duties of superintendent.

SECTION 26. The superintendent shall have under his custody all the books owned by the board of education, and shall perform all the duties as are laid down for him in the rules and regulations adopted by the committee on free text-books. It shall also be his duty to prepare all the reports required by this act, or the general school laws, in the manner and at the time specified by said laws, and to transmit them to such authorities as the law requires. Furthermore, it shall be the duty of the superintendent to file at the office of the city clerk, every month, a correct list of the school orders issued during the past month.

Duties of council relating to interests of education.

SECTION 27. The city council of the said city shall have the power, and it shall be its duty, to pass such ordinances and regulations as the board of education may report as necessary and proper for the protection, safe keeping, care and preservation of the school houses, lots, sites and appurtenances, and all necessary property belonging to or connected with the schools in said city, and to impose proper penalties for the violation thereof, subject to the restrictions and limitations contained in the act of incorporation of said city; and all such penalties shall be collected in the same manner that the penalties for a violation of the city ordinances are by law collected, and when collected shall be paid to the treasurer of the city, and be subject to the order of the board of education, in the same manner as other moneys raised pursuant to the provisions of this act.

Right to convey property.

SECTION 28. Whenever the board of education shall report to the city council that it is advisable to sell any of the school houses, lots or sites, or any of the school property now or hereafter belonging to the city, it shall be the duty of the city council to sell the same without unreasonable delay, and upon such terms as the said city council may deem advisable. The proceeds of all such sales shall be paid to the city treasurer,

and shall be subject to the said board to be expended by them in the purchase, leasing, repairs or improvements of other school houses, lots, school furniture, apparatus or appurtenances.

School property vested in city.

SECTION 29. The title of the school houses, lots, sites, furniture, books, apparatus and appurtenances, and all other property in this act mentioned, shall be vested in the city of Watertown; and the same, while used or appropriated for school purposes, shall not be levied upon or sold by virtue of any warrant or execution, nor be subject to taxation for any purpose whatever; and the said city, in is corporate capacity, shall be able to take, hold and dispose of, any real or personal estate, transferred to it by gift, grant, bequest or devise, for the use of the common schools of the said city, whether the same shall be transferred in terms to said city by its proper style, or by any other designation, or to any person or persons or body, for the use of said schools.

Funds.

SECTION 30. All moneys required to be raised by virtue of this act, on being raised as herein provided, shall be held by the treasurer of said city, and by him placed to the credit of the said board of education, and shall be drawn out in pursuance of a resolution or resolutions of said board, by drafts drawn by the president, and countersigned by the clerk, of said board, payable to the order of the person or persons entitled to receive such moneys; and said treasurer shall keep the funds authorized by this act to be received by him, separate and distinct from any other fund that he is or may be by law authorized to receive.

Failure to qualify.

SECTION 31. It shall be the duty of the clerk of the city, immediately after the election or appointment of any person as commissioner of common schools, personally to notify him of his appointment or election, and if any such person shall not, within ten days after receiving such personal notice of appointment or election, take and subscribe to the constitutional oath, and file the same with the clerk of said city, the city council may consider it a refusal to serve and proceed to supply the vacancy occasioned by such refusal.

High school building.

SECTION 32. Whenever, in the opinion of the board of education, it shall become necessary to erect a union or high school building, the estimated cost of which exceeds the amount at their disposal for such purpose, it shall report such fact, together with an estimate of the probable cost of such building, to the common council of said city. The common council of said city

is hereby authorized and it is hereby made the duty of said common council, upon the receipt by it of such reported estimate, to levy a tax in addition to the school taxes levied by section fourteen of this act, for the purpose of erecting such union or high school building: *provided, however*, that said tax shall not exceed six thousand dollars ($6,000) in any one year, and that the proceeds from such tax shall in no case be appropriated for any other purpose.

SECTION 33. Chapter one hundred and forty of the private and local laws of 1856, and the several acts amendatory thereof, are hereby repealed. **Repealed.**

SECTION 34. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1878.

[No. 340, A.] [Published March 25, 1878.]

CHAPTER 172.

AN ACT to amend section forty-three of chapter one hundred and fifty-five of the general laws of 1863, entitled "An act to codify the laws of this state relating to common schools."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section forty-three of chapter one hundred and fifty-five of the general laws of 1863, entitled "an act to codify the laws of this state relating to common schools," is hereby amended so as to read as follows: Section 43. It shall be the duty of the clerk, between the first and tenth days of September in each year, to make and transmit to the town, city or village clerk, a written report, dated on the first day of September of the year in which it shall be transmitted, signed by said district clerk, and verified by his affidavit, showing: **Amended.** **Clerk required to report.**

First. The number of children, male and female, designated separately, over the age of four and under the age of twenty years, residing in the district on the last day of August, previous to the making of such report, and the names of the parents or other persons with whom such children did respectively reside on the thirty-first day of August preceding such report.

Second. The whole number of children, male and female, each designated separately, taught in the dis-

trict school during the year for which such report is made, by teachers duly qualified.

Third. The number attending school during the year under the age of four, and the number over the age of twenty years.

Fourth. The whole time, in days, any common school has been taught in the district, including holidays, and the whole number of days, including holidays, such school has been taught by teachers qualified according to law, during the year ending on the thirty-first day of August preceding the making of such report.

Fifth. The names of all teachers employed during the year covered by the report, the number of days taught by each, including holidays, and the monthly wages paid to each.

Sixth. The amount of money received from the town treasurer, the amount received from district taxes, and the amount received from all other sources during the year ending on the thirty-first day of August preceding the date of the report, and the manner in which the same has been expended.

Seventh. The kind of books used in the school.

Eighth. Such other facts and statistics in relation to the schools, public or private, in such district, as the superintendent of public instruction may from time to time require.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1878.

[No. 268, S.] [Published March 25, 1878.]

CHAPTER 173.

AN ACT to authorize Aaron Decker to keep and maintain a ferry across the Mississippi river at the village of Trempealeau.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Chartered.

SECTION 1. Aaron Decker, his executors, administrators and assigns, shall have the exclusive right and privilege, for the period of ten years, of keeping and maintaining a ferry across the main channel of the Mississippi river, between the state of Wisconsin and the state of Minnesota, at the village of Trempealeau,

in the county of Trempealeau, and state of Wisconsin, and within one mile of said point down said river and up said river, from said point to the mouth of the Trempealeau river in the county of Trempealeau.

SECTION 2. The said Aaron Decker, his heirs, executors, administrators and assigns, may land their boats, passengers and property on any public highway which may terminate within the points above specified, or on the lands of any person or persons owning the same, having first procured their permission so to do. Landing.

SECTION 3. The rates charged for crossing at said ferry shall not exceed the following rates: For each foot passenger, twenty-five cents; for two horses and wagon, one dollar; for one horse and vehicle, seventy-five cents; for one horse and man, fifty cents; for neat cattle per head, fifteen cents; for sheep and swine, ten cents; for freight per hundred, twelve and one-half cents; for lumber per thousand, fifty cents; for crossing persons or property at said ferry at night, double the foregoing rates may be charged. Rates of ferriage.

SECTION 4. If the said Aaron Decker, his heirs or assigns, or any ferryman employed by him or them, shall ask, take or receive any greater or higher rates of ferriage for transporting any persons or property of any kind whatsoever than is allowed by this act, any person so offending, shall forfeit and pay for every such offense the sum of ten dollars, to be recovered before any justice of the peace, one-half of the same to go to the complainant, and the balance to the school fund of the state. Penalty for excess of established rates.

SECTION 5. If any person or persons shall, after the establishment of said ferry, set up or keep or maintain any ferry, or shall transport or carry any person, goods or chattels for hire or pay, across the Mississppi river, from or to any place on the Wisconsin side or shore of said river, within the points specified in section one of this act, every such person for every such offense, shall forfeit and pay the sum of ten dollars, to be collected as specified in section four of this act: *provided*, that nothing herein contained shall be deemed or construed to prevent any person who resides within the limits mentioned in section one of this act, on east bank of said river, from making use of his own boats in transporting himself and property across the said river at pleasure. Exclusive privilege.

SECTION 6. The said Aaron Decker shall immediately, after the passage of this act, place and maintain upon such ferry such and sufficient boat or boats as Boats.

may be necessary to carry across said river, all teams, horses, cattle and other property, and for the accommodation of foot passengers, and shall at all times give ready and prompt attendance on passengers or teams on all occasions.

SECTION 7. This act shall take effect and be in force from and after its passage.

Approved March 15, 1878.

[No. 277, A.] [Published March 25, 1878.]

CHAPTER 174.

AN ACT to authorize E. S. Minor and F. G. Blakefield to build and maintain a pier in Green Bay.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Empowered to build pier.

SECTION 1. E. S. Minor, F. G. Blakefield, their heirs or assigns, are hereby authorized and empowered to build and maintain a pier, extending into Green Bay from the eastern shore, located as follows, to wit: On lot number two, section number seven, township number thirty, range number twenty-seven east, in Door county; said pier running in a westerly direction a distance of four hundred feet or more, and to be used in loading and unloading steamboats, vessels and other watercraft.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1878.

[No. 323, A.] [Published March 25, 1878.]

CHAPTER 175.

AN ACT to reduce the price of swamp and overflowed lands in the county of La Crosse.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Reduction of price.

SECTION 1. The commissioners of school and university lands are hereby authorized at their discretion, to reduce, after the passage of this act, the price of

swamp and overflowed lands now owned by the state in La Crosse county, and that have not been once sold, and all such lands that have been once sold and forfeited to the state and are now held by the state, to the uniform price of fifty cents per acre, with the amount of unpaid taxes added thereto: *provided*, that the above reduction shall not apply to any of said lands now under contract, and which may hereafter become forfeited to the state, until the expiration of two years after such forfeiture.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1878.

[No. 280, A.] [Published March 26, 1878.]

CHAPTER 176.

AN ACT to cause a survey of a certain creek in the city of Manitowoc, and to regulate and record the course of such creek.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION. 1. The board of alderman of said city is hereby authorized to cause the ditch, drain, stream or creek emptying into Lake Michigan across block three hundred and twenty-two in said city, to be surveyed, which survey, when adopted by said board and recorded in the book of maps of said city, shall be deemed *prima facie* evidence of the existence of such creek or stream of water, and the true and correct course of the same: *provided, however*, that no such survey shall be adopted until the same shall have been open to public inspection at least ten days in the office of the city clerk. Public notice of the time when and where such plat or survey shall be open to inspection shall be givin by publishing said notice in the official papers of said city. Survey.

SECTION 2. The damage to property owners arising from keeping said ditch, drain or stream or creek open, if the same cannot be agreed upon by the city authorities, shall be assessed by three disinterested freeholders of the city of Manitowoc, to be appointed by the county judge. The sum assessed as damages as aforesaid, and all the costs of laying out and other proceedings, shall be borne by the first drainage district of said city. Any Damages.

party feeling aggrieved by the report of the commissioners appointed as aforesaid, may, within ninety days after the commissioners make their report, apply to the circuit court of Manitowoc county for the appointment of other commissioners, who shall be freeholders of said city, who shall proceed to make a new assessment of damages. The expenses of the commissioners appointed by the circuit court shall be borne by the losing party.

Ditch may be opened.

SECTION 3. When said ditch, drain, or stream shall be located and adopted as aforesaid, the city authorities are authorized to cause the same to be opened and kept open, and to cause any party obstructing the same to be punished according to law.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1878.

[No. 49, A.] [Published March 19, 1878.]

CHAPTER 177.

AN ACT to appropriate to the Northern Hospital for the Insane a sum of money, therein named, for the payment of current expenses, for permanent improvements, and for miscellaneous purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation.

SECTION 1. There is hereby appropriated to the Northern Hospital for the Insane, out of any money in the general fund not otherwise appropriated, the sum of eighty-one thousand, nine hundred and eighty dollars, for the following purposes, viz.: For the payment of current expenses for the year ending March 1st, 1879, seventy-six thousand eight hundred and eighty dollars; for permanent improvements and miscellaneous purposes, five thousand one hundred dollars.

How drawn.

SECTION 2. All sums appropriated for the payment of current expenses by this act shall be drawn from the treasury not oftener than quarterly in advance. All other sums may be drawn as needed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1878.

[No. 178, A.] [Published March 27, 1878.]

CHAPTER 178.

AN ACT to repeal section one of chapter one hundred and one of the general laws of 1871, entitled "An act to amend sections forty-three and one hundred and two of the general laws of 1863, entitled, an act to codify the laws of this state relating to common schools."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter one hundred and one of the general laws of 1871, entitled "An act to amend sections forty-three and one hundred and two of the general laws of 1863, entitled an act to codify the laws of this state relating to common schools," is hereby repealed. Repealed.

SECTION 2. This act shall be in force from and after its passage and publication.

Approved March 15, 1878.

[No. 171, A.] [Published March 26, 1878.]

CHAPTER 179.

AN ACT to amend chapter one hundred and twenty-seven of the laws of Wisconsin for 1874, entitled An act to incorporate the city of Menasha, and the several acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The laws of the state of Wisconsin for the relief and support of the poor in towns shall apply to the said city of Menasha; and the common council shall annually levy a tax, not exceeding two mills upon the dollar of the assessed valuation of the real and personal property of the said city, for the purpose of the support of the poor of said city lawfully entitled thereto, such tax to be levied and collected in the same manner as other city taxes. State laws shall apply.

SECTION 2. The common council shall appoint a suitable and proper person to act as overseer of the poor of said city, whose salary shall not exceed the sum of one hundred dollars per annum; such overseer shall have the same power, and shall perform the same duties as overseers of the several towns: *provid-* Overseer.

ed, however, that he shall keep such accounts, and shall at all times be subject to, and obey all orders and resolutions of the common council lawfully made in the premises, and concerning his duties, and shall report from time to time as the common council shall direct.

First election of overseer.

SECTION 3. Immediately after the passage of this act, the common council shall elect an overseer of the poor, who shall hold his office until the next annual election of city officers, and thereafter, at each annual election of city officers, the common council shall elect with other officers, an overseer of the poor, who shall hold his office for one year, subject to removal by the common council.

SECTION 4. This act shall take effect from and after its passage and publication.

Approved March 15, 1878.

[No. 361, A.] [Published March 26, 1878.]

CHAPTER 180.

AN ACT to change the boundary lines between the cities of Neenah and Menasha, in the state of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Boundary line.

SECTION 1. The boundary line between the cities of Neenah and Menasha, on Doty Island, is hereby changed so as to run as follows, to wit: The south boundary line of the city of Menasha is hereby removed one hundred feet south of the present dividing line, commencing on the east end of Doty Island and running thence westerly to Commercial avenue on said island. And said line between said points shall be the north boundary line of the city of Neenah, and the south boundary line of the city of Menasha.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1878.

[No. 179, A.] [Published March 27, 1878.]

CHAPTER 181.

AN ACT to repeal section two of chapter one hundred and sixty-nine of the general laws of 1871, entitled, "an act to amend chapter one hundred and fifty-five of the general laws of 1863, entitled 'an act to codify the laws of this state relating to common schools.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section two of chapter one hundred and sixty-nine of the general laws of 1871, entitled "an act to amend chapter one hundred and fifty-five of the general laws of 1863, entitled 'an act to codify the laws of this state relating to common schools,'" is hereby repealed. Repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1878.

[No. 337, A.] [Published March 25, 1878.]

CHAPTER 182.

AN ACT to repeal chapter two hundred and forty-four of the laws of Wisconsin for 1874, entitled an act to declare a certain highway in Door and Kewaunee counties a state road, and all acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter two hundred and forty-four of the laws of Wisconsin for 1874, and all acts amendatory thereof, are hereby repealed. Repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 15, 1878.

[No. 286, A.] [Published March 28, 1878.]

CHAPTER 183.

AN ACT to amend section four of chapter seven of chapter one hundred and sixty-four of the laws of Wisconsin for 1873, entitled an act to incorporate the city of Fort Howard.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section four of chapter seven of said city charter is hereby amended to read as follows: The graveling, planking or paving streets or roads outside of the platted portion of the city, may be done at the expense of the ward or wards, and the work so done shall be chargeable to any one of the three wards as originally laid out by the city charter in which such work is done.

Improvements outside of city plat.

Repealed.

SECTION 2. All acts or parts of acts conflicting with this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1878.

[No. 426, A.] [Published March 26, 1878.]

CHAPTER 184.

AN ACT to lay out and establish a state road from the village of Necedah, in the county of Juneau, to the village of Tomah, in Monroe county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Commissioners

SECTION 1. William F. Dawes and John H. Armstrong, of Juneau county, and J. T. Tracy, of Monroe county, are hereby appointed commissioners to lay out and establish a state road from the village of Necedah, Juneau county, to the village of Tomah, in Monroe county.

Survey.

SECTION 2. The said commissioners shall make, or cause to be made by some competent surveyor, a plain and legible copy of the map and field notes of the survey of the said road as by them located, and file one copy of the same with the town clerk of each town through which the said road is by them located, and one copy of the said map and field notes with the

county clerk of each of said counties of Juneau and Monroe.

SECTION 3. Said commissioners shall each receive three dollars ($3) per day for the time actually employed and necessarily spent by them in laying out and establishing said state road, which shall be in full for all services rendered by them, and they are hereby authorized in their discretion to employ some competent surveyor to make the survey and maps herein provided for, and at such price per day as may be by them agreed upon, not exceeding five dollars ($5) per day, for the time actually and necessarily employed in such work. Compensation.

SECTION 4. The expenses of laying out and establishing said state road shall be borne by the said counties of Juneau and Monroe, each in proportion to the length of the said state road that will be in each of said counties respectively. Expenses.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1878.

[No. 371, A.] [Published March 26, 1878.]

CHAPTER 185.

AN ACT to appropriate the drainage fund in township number twenty-eight, range number twenty-seven east, in Door county, Wisconsin, for highway purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All the drainage fund that has accrued or may accrue from the first day of July, A. D. 1877, till the first day of July, A. D. 1878, from the sale of drainage lands in township number twenty-eight, range twenty-seven east, in Door county, Wisconsin, shall be set apart for and used in constructing a road in said township, commencing as near as practicable at the southeast corner of the southeast quarter of the southwest quarter of section number thirty-one, town twenty-eight, range twenty-seven east, Door county, thence in a northeasterly direction to the southeast corner of the northeast quarter of said section number thirty-one, thence north on the section line to the northeast corner of said section thirty-one, thence east one-half mile to Drainage fund appropriated to build road.

the quarter post between sections twenty-nine and thirty-two, thence north on the quarter line of sections number twenty-nine, twenty, seventeen, eight and five, until it intersects with the Sturgeon Bay and Jacksonport road.

Commissioners

SECTION 2. E. C. Daniels, I. W. Elliot and Thomas Reynolds, are hereby appointed commissioners to take charge of and superintend said work, with the same powers and rights over said road, that town supervisors and district overseers have in opening and improving roads in their respective towns and districts.

Funds—how drawn.

SECTION 3. Said funds shall be drawn from the county treasury only upon an order signed by at least two of said commissioners.

Bond required.

SECTION 4. Before said commissioners enter upon the duties of their office, they shall each execute a bond, with good and sufficient securities, in the penal sum of five hundred dollars, said bond to be accepted by and deposited with the county treasurer of Door county.

Limitation.

SECTION 5. Said commissioners shall lay out and establish said road on or before the fifteenth of June, A. D. 1878.

Work to be let to lowest bidder.

SECTION 6. The contract for performing the labor necessary for the constructing said road shall be let to the lowest responsible bidder, the said commissioners having first given notice of the letting of said contract by advertising in —— of the papers published in Sturgeon Bay.

Compensation.

SECTION 7. Said commissioners shall be allowed and paid out of said fund two dollars per day for the time actually expended in said work.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1878.

[No. 158, A.] [Published March 27, 1878.]

CHAPTER 186.

AN ACT for the relief of Horatio N. Smith, warden of the State Prison.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Relief.

SECTION 1. Horatio N. Smith, warden of the Wisconsin State Prison, is hereby authorized to credit his

account with the state with the sum of nine thousand six hundred and thirty-one dollars and seven cents, being the amount on deposit to the credit of said warden in the Corn Exchange Bank at Waupun, at the time of the failure of said bank. And the directors of the state prison are hereby directed to allow and credit said amount to the account of said warden, and thereupon he shall be released from all liability on account of said sum of money.

SECTION 2. Any dividend or payment the said warden or his successor in office may receive from the assignee of the estate of said Corn Exchange Bank, now in bankruptcy, or from any person on account or in consequence of said deposits, shall be accounted for by him in the same manner as other moneys received by him for said prison. **Dividends to be accounted for.**

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1878.

[No. 14 A.] [Published March 27, 1878.]

CHAPTER 187.

AN ACT to amend section one of chapter two hundred and eighty-nine of the general laws of 1877, relative to the employment of children in factories or other workshops in this state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter two hundred and eighty-nine of the laws of 1877, is hereby amended so as to read as follows: Section 1. It shall hereafter be unlawful to employ any child or children under twelve years of age at any manual labor in any factory or other workshops, where more than three persons are employed in this state, and no child or children of twelve and under fourteen years of age shall be so employed in any such factory or workshops for more than seven months in any one year. **Amended.** **Unlawful to employ children in certain cases.**

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1878.

[No. 133, A.] [Published March 25, 1878.]

CHAPTER 188.

AN ACT relating to the poor, and amendatory of an act to amend an act, entitled "an act to consolidate and amend an act to incorporate the city of Watertown, and the several acts amendatory thereof."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Support of poor—authority of common council.

SECTION 1. The common council of the city of Watertown is hereby authorized to annually levy a tax upon all taxable property of said city, not to exceed three mills on the dollar, for the support of the poor of said city. Said tax shall be collected by the treasurer, and kept in a separate fund for each ward, and shall be known as the ward poor fund; and no money collected in any one ward of said city, under the provisions of this act, shall be expended for the support or relief of the poor in any other ward.

Overseer of poor.

SECTION 2. The supervisor of each ward of the city of Watertown shall be supervisor of the poor of his respective ward. He shall keep account of all expenditures of said fund, and shall present his accounts to the common council or board of street commissioners to be audited and allowed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1878.

[No. 393, A.] [Published March 26, 1878.]

CHAPTER 189.

AN ACT relating to the reduction of the price of swamp and overflowed lands in Kewaunee county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Reduction authorized.

SECTION 1. The commissioners of school and university lands are hereby authorized to reduce, in their discretion, the price of swamp and overflowed lands now owned by the state in Kewaunee county, to the uniform price of fifty cents per acre: *provided*, that the above reduction shall not apply to any of said lands now under contract, and which may hereafter become

forfeited to the state, until the expiration of two years after such forfeiture.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1878.

[No. 257, A.] [Published March 26, 1878.]

CHAPTER 190.

AN ACT to authorize the town of Plymouth, in the county of Sheboygan, to hold its elections and transact its business in the city of Plymouth.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows.

SECTION 1. The electors of the town of Plymouth, in the county of Sheboygan, are authorized to hold the general elections and the annual town meetings, for said town, at such place in the city of Plymouth as shall be designated by the board of supervisors of said town for that purpose. **Empowered to hold town meetings in city.**

SECTION 2. The board of supervisors of said town shall, at least ten days before the next annual town meeting, designate some place in said city of Plymouth at which the next annual town meeting for said town of Plymouth shall be held, and post up notices in three or more public places in said town, describing the place so fixed for holding such town meeting. And thereafter, all general elections and annual town meetings for said town shall be held at the place so fixed: *provided*, the said town board may, by a like order and notice thereof given at least ten days before any general election or town meeting for said town, fix some other place, either in said city of Plymouth or in said town, for holding such elections or town meetings. And after such order so made and posted, the said general elections and town meetings for said town shall be held at the place so last fixed. Until changed in like manner the elections and town meetings for said town held at any place so fixed for holding the same in said city of Plymouth, shall be as lawful and binding as though held at some place in the said town of Plymouth. **Change of polling place.**

SECTION 3. The town board of supervisors of the town of Plymouth may meet for the purpose of trans- **Town business may be transacted in city.**

acting any of the business of the town of Plymouth at any place in the city of Plymouth, which may be designated by them for that purpose, and for the transaction of any business to be transacted by said town board or by said supervisors; but said board shall first give notice as provided in section two of this act, of the place so designated by them for the transaction of such business.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1878.

[No. 222, A.] [Published March 25, 1878.]

CHAPTER 191.

AN ACT to repeal chapter two hundred and fifty-seven of the laws of Wisconsin for 1877, entitled An act relating to the dam on Little Wolf river, in Waupaca county, and amendatory of section four of chapter one hundred and sixty-nine of the laws of Wisconsin for 1875.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows.

Re-enacted.

SECTION 1. Chapter two hundred and fifty-seven of the laws of Wisconsin for 1877, entitled an act relating to a dam on Little Wolf River in Waupaca county, and amendatory of section four of chapter one hundred and sixty-nine of the laws of Wisconsin for 1875, is hereby repealed; and the provisions of section four of chapter one hundred and fifty-nine of the laws of Wisconsin for 1873 are hereby restored and in force.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1878.

[No. 335, A.] [Published March 26, 1878.]

CHAPTER 192.

AN ACT to amend section one of chapter two hundred and ten of the laws of Wisconsin for 1875, relating to the business of breeding and rearing furred animals.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That section one of chapter two hundred and ten of the laws of Wisconsin for 1875 be amended so as to read as follows: It shall be unlawful for any person or persons to pursue, trap, ensnare or kill any otter, beaver, mink, muskrat or other fur bearing animals upon any lands, or to the middle of any stream of water adjoining the lands owned by any person or persons engaged in the business of breeding and rearing such animals. **Amended.** **Unlawful to trap furred animals.**

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1878.

[No. 281, A.] [Published March 27, 1878.]

CHAPTER 193.

AN ACT relating to the preservation of game, and amendatory of section one of chapter three hundred and twenty-nine, of the laws of Wisconsin for 1874, and to repeal chapter one hundred and twenty-one, of the laws of Wisconsin for 1874, entitled "An act for the preservation of game in the counties of Eau Claire, Chippewa, Dunn, Trempealeau, Buffalo and Pepin," and to repeal chapter two hundred of the laws of Wisconsin for 1877, entitled "An act for the preservation of game, and amendatory of section one of chapter one hundred and twenty-one of the laws of Wisconsin for 1874."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter three hundred and twenty-nine of the laws of Wisconsin for 1874, is hereby amended so as to read as follows: Section 1. No person shall catch, kill, or otherwise destroy, or have in his possession, or expose for sale, in this state, between the first day of January and the succeeding twenty-fifth day of August in each year, any woodcock, quail, grouse, prairie hen or prairie chicken, partridge, **Amended.** **Unlawful to take game within certain times.**

or ruffed grouse, under the penalty of ten dollars for each said game bird caught, killed, or otherwise destroyed or had in possession or exposed for sale.

Amended.

SECTION 2. Section three of chapter three hundred and twenty-nine of the laws of Wisconsin for 1874, is hereby amended by striking out in the fourth line of said section the word "February," and inserting in lieu thereof the word "January," so that the section, when so amended, will read as follows: Section 3. No person shall, within this state, kill or expose for sale, or have in his or her possession, after the same is killed, any wood duck, mallard duck, or teal duck, between the first day of January and the succeeding twenty-fifth day of August, in each year, under a penalty of ten dollars for each such duck so killed, had in possession or exposed for sale. And no person shall, within this state, take or have in his or her possession, any wild ducks' eggs between the first day of March and the succeeding first day of July in each year, under a penalty of one dollar for each such duck's egg so taken, had in his or her possession or exposed for sale. And no person shall at any time or at any place within this state, kill any wild duck, brant or wild goose, with or by means of the device, instrument or fire-arms known as a pivot or swivel gun, or with or by means of any gun or fire-arms other than such guns or fire-arms as are habitually used at arms' length and fired from the shoulder, or shall use any such device, instrument or gun other than such shoulder gun as aforesaid, with intent to kill any wild duck, brant or wild goose, under a penalty of fifty dollars for each and every offense.

Unlawful to take game, except in a certain manner, or to take eggs.

Repealed.

SECTION 3. Chapter one hundred and twenty-one of the laws of Wisconsin for 1874, entitled "An act for the preservation of game in the counties of Eau Claire, Chippewa, Dunn, Trempealeau, Buffalo and Pepin," and chapter two hundred of the laws of Wisconsin for 1874, entitled "An act relating to the preservation of game, and amendatory of section one of chapter one hundred and twenty-one of the laws of Wisconsin for 1874," are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1878.

[No. 308, A.] [Published March 26, 1878.]

CHAPTER 194.

AN ACT to lay out a state road from the town of Marshfield, in Wood county, through Wood and Marathon counties, *via* the post office in Rozelville to Hutcheson's Switch, in Marathon county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Commissioners

SECTION 1. John Weeks and H. L. Campbell of Marathon, and Wm. Scott of Wood county, are hereby appointed commissioners, with full power and authority, to survey, lay out and establish a state road, commencing at the town of Marshfield, in Wood county, on the northwest quarter of the northwest quarter of section eight, in township twenty-five, range three east, running by the way of the present post office of Rozelville, in Marathon county, to the point on the Wisconsin Valley Railroad known as Hutcheson's Switch, in said county of Marathon.

Survey.

SECTION 2. Said commissioners, or a majority of them, shall, immediately after laying out said road, cause a report of their survey to be made and filed with the county clerk of each county through which said road passes, and on and after the filing of said report as above provided, said road shall be a public highway, and be deemed to be opened and established for highway purposes.

Damages.

SECTION 3. Said commissioners shall have full power to award damages and settle with parties who may be aggrieved or sustain damages by the laying out and establishing of said road: *provided*, that the amount so awarded shall in no case exceed fifty dollars. All claims for damages shall be made within one year from the time said commissioners shall have filed the plat or survey of the road in the office of the county clerk, as required by section two of this act, and all damages so awarded shall be paid by the towns in which the lands are located which are damaged thereby.

Compensation.

SECTION 4. Said commissioners shall receive for each day actually engaged in laying out and establishing such road, the sum of three dollars each; and such assistants as they may employ, not exceeding three in number, the sum of one dollar and fifty cents each, for each day actually employed, to be paid from the treasuries of the said counties of Wood and Marathon in

proportion to the time actually spent in each county in laying out said road.

Disability.

SECTION 5. In case of sickness or disability of any one of the commissioners, he may appoint a substitute to act in his place.

Commencement of work.

SECTION 6. Said board of commissioners shall proceed to discharge the duties and powers conferred upon them by this bill as soon as the first day of August, 1878.

SECTION 7. This act shall take effect and be in force from and after its passage.

Approved March 15, 1878.

[No. 319, A.] [Published March 29, 1878.]

CHAPTER 195.

AN ACT to incorporate the city of Waupun.

The people of the state of Wisconsin represented in senate and assembly, do enact as follows:

CHAPTER I.

CITY AND WARD BOUNDARIES.

Boundaries.

SECTION 1. All that district of country included in the west one-half of the southwest quarter of section thirty-three, and the south half of section thirty-two, and the east half of the southeast quarter of section thirty-one, in township fourteen, north of range fifteen east, in the town of Waupun, county of Fond du Lac, and state of Wisconsin, and the east half of the northeast quarter of section six, and the north half, and also the north half of the south half, of section five, and the west half of the northwest quarter of section four, in township thirteen, range fifteen east, in the town of Chester, in the county of Dodge and state of Wisconsin, shall hereafter be a corporation known and designated as the city of Waupun, and it is hereby provided and expressly declared, that all the territory situate within said described limits shall be distinct and separate for all purposes whatsoever from the towns of Waupun and Chester, aforesaid, except for school purposes, and for such purposes, shall be and remain as is provided by the laws of this state for the regulation of joint school districts.

SECTION 2. The said city of Waupun shall be and the same is hereby divided into two wards, as follows: **Ward boundaries.**

North ward. All that portion of said city lying north of the county line between the counties of Dodge and Fond du Lac, shall constitute the north ward.

South ward. All that portion of said city lying south of the county line between the counties of Dodge and Fond du Lac, shall constitute the south ward.

CHAPTER II.

RIGHTS AND POWERS OF THE CORPORATION.

SECTION 1. The people now inhabiting and those who shall hereafter inhabit within the district of country described in the preceding chapter, shall be a corporation of the name of the city of Waupun, and shall have the general powers possessed by municipal corporations at common and statute law, and in addition thereto, shall possess the rights, privileges and powers hereinafter specially granted. **Incorporated.**

SECTION 2. The authorities thereof shall have perpetual succession, and in the name of said corporation may sue and be sued, complain and defend, in any court, and have a common seal, and may alter it at pleasure, and may receive by bequest, gift, grant, devise or purchase, and hold and convey, contract and be contracted with, such real and personal estate as the purposes and interests of the corporation may require. **Perpetual succession.**

CHAPTER III.

OFFICERS, ELECTIVE AND APPOINTIVE.

SECTION 1. The elective officers of said city shall be a mayor, marshal and treasurer for the city at large, and two aldermen, one justice of the peace, one assessor, and one supervisor for each ward of said city. **Elective officers**

SECTION 2. The appointive officers of said city shall consist of a clerk and street commissioner, and such other officers and agents as may be provided for by this act, and such as the common council may from time to time deem necessary to appoint. Each of the officers, either elective or appointive, shall continue in office for the term of one year, and until his successor is elected or appointed and qualified, except as hereinafter provided. They shall have such powers and perform such duties as are prescribed by this act, or as may be prescribed by any ordinance of said city not **Appointive officers.** **Terms.**

be sealed up and transmitted to the clerk of the board of supervisors of the county in which the ward is situated, in the manner provided by law.

Qualifications of voters.

SECTION 6. All persons qualified to vote for state and county officers, and who shall have resided in said city for thirty days, and in the ward where he shall offer his vote, for ten days next preceding such election, shall be entitled to vote at all elections held under this act.

Challenges.

SECTION 7. If either of the judges or inspectors of election shall suspect that any person offering to vote at any municipal election held under this act does not possess the qualifications of an elector, or if any vote shall be challenged by an elector, the judges of election, before receiving the vote of such person, shall require him to take the following oath, which either of the said judges or inspectors is hereby authorized to administer: "You do solemnly swear (or affirm) that you are twenty-one years of age, that you are a citizen of the United States (or have declared your intention to become a citizen conformably to the laws of the United States) upon the subject of naturalization; that you have resided in this city during the last thirty days, and in this ward during the last ten days; that you now reside therein, and that you have resided in the state of Wisconsin during the last year preceding; that you have not voted at this election; that you have made no bet or wager, and have not become directly or indirectly interested in any bet or wager depending upon the result of this election." And if the person so offering to vote shall take such oath, and satisfactorily answer on oath such questions as may be required of persons offering to vote at general elections, his vote shall be received. If such person shall take such oath falsely, he shall be deemed guilty of willful and corrupt perjury, and upon conviction thereof, shall suffer the punishment now provided by law for persons guilty of perjury.

Penalty for illegal voting.

SECTION 8. If any person who is not a qualified voter shall vote at any election held under this act, or shall vote in any other ward than the one in which he resides, or shall vote more than once at any one election, he shall be liable to all the penalties prescribed by the general laws of this state for illegal voting, which penalty may be enforced and recovered as is provided by the general laws of this state. It shall be the duty of the inspectors to keep a list of the names of all persons whose votes may be challenged as afore-

said, and who shall swear in their votes. And if any inspector shall knowingly and corruptly receive the vote of any person not authorized to vote, or shall make out false returns of any election, or if any clerk shall willfully not write down the name of every voter as he votes, or shall willfully make untrue and incorrect counts and tallies of votes, each and every such inspector and clerk shall, upon coviction thereof, severally forfeit and pay a sum not exceeding five hundred dollars, which penalty may be recovered as in other tort actions, for the benefit of said city, in the circuit court of the counties of Dodge or Fond du Lac, but nothing in this act shall be construed to supercede the registry laws of this state so far as the general elections in said city are concerned.

Vacancies on board.

SECTION 9. In case of a vacancy or vacancies in any of the offices herein named, it shall be the duty of the board of aldermen to fill the same by appointment, except the office of justice of the peace, which shall be filled as hereinafter provided: *provided*, the office of mayor shall be filled by an alderman, and the office of alderman shall be filled by a person eligible to such office, to be nominated by the remaining aldermen of the ward where the vacancy occurs, and confirmed by a majority of the council.

Vacancy in justice office.

SECTION 10. In case of a vacancy in the office of justice of the peace, it shall be the duty of the mayor to call a special election to fill such vacancy in the ward in which the same may occur. Such notice shall be given at least ten days previous to the time of holding such special election by publication in a newspaper printed in said city.

Oath of office.

SECTION 11. Every officer elected under the provisions of this act, or appointed by virtue or in pursuance of its provisions, shall within six days after his election or appointment, and before he enters upon the duties of his office, take and subscribe an oath or affirmation in the following form, which oath or affirmation shall be filed in the office of the clerk of said city: "I do solemnly swear that I will support the constitution of the United States and the constitution of the state of Wisconsin, and will faithfully discharge the duties of ——, of the city of Waupun, according to the best of my ability," and the treasurer and marshal before they enter upon the duties of their office shall each execute and deliver a bond to the mayor and aldermen, in such sum and with such sureties and conditions as a majority of said aldermen shall direct.

CHAPTER V.

OFFICERS, THEIR POWERS AND DUTIES.

Mayor.

SECTION 1. The mayor shall preside over the meetings of the council, and shall see that the laws of the state and ordinances of the city, within the corporation, are duly enforced, and that all the officers of the city discharge their respective duties. He shall give the council such information and recommend such measures as he may deem proper and advantageous to the city, and shall perform all the duties imposed on him by this act, or by the ordinances or resolutions of the council. It shall be his duty generally to maintain the peace and good order of the city. He shall vote in the council only in case of a tie vote. He shall have the control and supervision of the police of said city, and is hereby authorized to appoint special policemen when the safety and good order of the city shall, in his judgment, require the same, upon special or unusual occasion, where compensation shall be fixed and allowed by the common council.

Common council.

SECTION 2. The mayor and aldermen shall constitute the common council and the style of all ordinances shall be, "The common council of the city of Waupun." The common council shall meet, qualify and organize on the second Tuesday in April of each year, or as soon thereafter as may be. A majority of the aldermen, with the mayor, shall constitute a quorum.

Clerk.

SECTION 3. At the first meeting of the common council of each year, under this act, or as soon thereafter as may be, it shall be the duty of the common council to elect by ballot a clerk for said city, who shall hold his office for one year and until his successor is elected and qualified, being subject to be removed at any time by a vote of a majority of the aldermen of said city, upon proper notice to said clerk, who shall have the privilege of being heard in his own defense. His compensation shall be such as shall be agreed upon by the common council and said clerk.

Street commissioner.

SECTION 4. At the first meeting of the common council of each year, under this act, or as soon thereafter as may be, the common council shall appoint one street commissioner for said city, who shall hold his office for one year, and until his successor is appointed and qualified, and whose duties and liabilities shall be as hereinafter provided.

Meetings.

SECTION 5. The common council may hold stated meetings. The mayor may call special meetings of the

council by notice to each of the members. The common council shall determine the rule of its own proceedings, and shall have power to compel the attendance of absent members, by an order under the hand of the mayor, to be executed by the marshal or his deputy.

SECTION 6. The common council shall have the control and management of the finances and of all the property of the city, and shall likewise, in addition to the powers herein vested in them, have full power to make, erect, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice and immorality, for the prevention of fires, and for the benefit of trade, commerce and health, as it shall deem expedient, declaring and imposing penalties, and to enforce the same against any and all persons who may violate any of the provisions of such ordinances, rules or by-laws, and such ordinances, rules and by-laws are hereby declared to be and have the force of law: *provided*, that they be not repugnant to the constitution and laws of the United States or of this state, and for these purposes shall have authority, by ordinances, resolutions or by-laws: **Powers of common council.**

1st. To license, regulate and prohibit the exhibition of common showmen or shows of any kind, or the exhibition of caravans, circuses, theatrical performances or concerts, and the use of billiard tables, bowling saloons, and to provide for the abatement of and removal of all nuisances under the ordinances or at common law, and to grant licenses for selling spirituous, vinous or fermented liquors, and regulate groceries, taverns, victualing houses, and the persons vending or dealing in spirituous, vinous or fermented liquors, and revoke the same for a violation thereof: *provided*, that the sum to be paid for any such license shall not be less than the amount fixed and provided by the laws of this state. **Liquors, showmen, etc.**

2d. To restrain and prohibit all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice, or other games of chance, for the purpose of gaming in said city, and to restrain any person from vending, giving or dealing in spirituous, vinous or fermented liquors, unless duly licensed by the common council. **Gaming, etc.**

3d. To prevent any riots, noise, disturbances or disorderly assemblages, suppress and restrain disorderly **Riots, etc.**

houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming.

Nauseous places.

4th. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome, nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

Slaughter-houses and markets.

5th. To direct the location and management of slaughter houses and markets, and to prevent the erection of or the use and occupation of the same, when the offal or filth therefrom shall endanger the health of the inhabitants of the city.

Encumbering of streets, etc.

6th. To prevent the encumbering of the streets, sidewalks, alleys or public grounds with any material substance whatever, and to require the removal of snow and other substances by the owners of such sidewalk.

Fast driving and swimming.

7th. To prevent horse racing, immoderate driving or riding in the streets, and regulate the places of bathing in the waters within the limits of said corporation.

Pounds, etc.

8th. To build a public pound, to restrain the running at large of horses, cattle, swine, sheep, poultry and geese, and to authorize the distraining and impounding the same.

Dogs.

9th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner when at large contrary to an ordinance.

Putrid carcasses.

10th. To prevent persons from burying, depositing or having within said city, or place adjacent to said city, any putrid carcass, or other unwholesome substance, and to require the removal of the same by any person who shall have on his premises any such substances, or putrid or unsound beef, pork, fish, hides or skins of any kind, or on default, to authorize the removal thereof by some competent officer at the expense of such person or persons.

Sidewalks.

11th. To prevent all persons from riding, driving or leading any horse, mule or other animal, on the sidewalks in said city, or in any way doing damage to said sidewalks.

Fireworks, etc.

12th. To prevent the shooting of fire arms or crackers, and to prevent the exhibition of fireworks in any situation which may be considered by the council, dangerous to the city or any property therein, or annoying to the citizens thereof.

13th. To restrain drunkards, immoderate drinking or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same. **Drunkards.**

14th. To regulate, prevent and control the landing of persons from cars and stages wherein any contagious and infectious diseases or disorders exist, and to make such disposition of such persons as to preserve the health of said city. **Infectious diseases.**

15th. To appoint one street commissioner (and to remove him at pleasure) whose compensation shall be such sum as shall be determined by the council at the time of making the appointment, not exceeding, however, two dollars per day. **Street commissioner.**

16th. To provide by ordinance, for a standard of weights and measures, and for the punishment of the use of false weights and measures. **Weights and measures.**

17th. The said board of aldermen shall have power and are hereby authorized by ordinance or by-law to organize fire companies, hook and ladder companies, and regulate their government, and the time and manner of their exercise; to provide all necessary apparatus for the extinguishment of fires, subject to the provisions of this act; to require the owners of buildings to provide and keep suitable ladders and fire buckets, which are hereby declared to be appurtenances to the real estate, and exempt from seizure of distress or sale in any manner, and if the owner shall refuse or neglect to procure suitable ladders or fire buckets, after reasonable notice, the board of aldermen may procure and deliver the same to him, and in default of payment thereof, the common council shall assess the cost of such ladder or fire bucket, or both, and the same shall become a tax against the property for which such ladder or fire bucket, or both, shall have been provided, and the amount thereof shall be added to the other taxes levied upon such property, in the tax roll next thereafter, and shall be collected therewith; to regulate the storage of gunpowder, or other dangerous materials; to direct the safe construction of places for the deposit of ashes, and to appoint one or more fire wardens, to enter into, at all reasonable times, and examine all dwelling houses, lots, yards and inclosures and buildings of any description, in order to discover whether any of them are in a dangerous condition, and to cause such as are dangerous to be put in a safe condition; to regulate the manner of putting up stoves and stovepipes; to prevent firesand use of fire arms and fire works within **Fire companies and protection against fire.**

the limits of said city or such part thereof as they may think proper; to compel the inhabitants of said city to aid in the extinguishment of fires, to pull, break down and raze such buildings in the vicinity of fires as shall be directed by the aldermen, or any three of them who may be at the fire, for the purpose of preventing its communicating with other buildings, and any building so destroyed shall be paid for by the corporation; to construct and preserve reservoirs, pumps, wells, and other water works, and regulate the use thereof; and generally to establish other measures of prudence for the preservation of property and for the extinguishment of fires, as they may deem proper.

Street grades.

18th. It shall be the duty of the common council to establish the grade of all streets, gutters and sidewalks in said city. Such grade shall be established on the survey of a practical surveyor, to be appointed by them, whose compensation shall not exceed the pay allowed by law for like services. It shall be the further duty of the common council to cause the grade of all streets, gutters and sidewalks, when so established, to be recorded in the office of the clerk of said city, in a book to be provided for that purpose, and when such grade shall have been so established and recorded, the same shall not be altered or changed, except on the written recommend of such practical surveyor and the unanimous vote of the common council: *provided*, that when the grade of any sidewalk shall be established on the end or side of any block in said city, such grade shall be uniform throughout the length and breadth of said block.

Licenses of hackmen, peddlers, etc.

19th. To license and regulate cartmen, runners, porters, hack, cab, truck, omnibus and stage owners and drivers, and all carriages or vehicles used for the transportation of passengers, merchandise, goods or articles of any kind, common criers, hawkers, peddlers, pawn brokers and auctioneers, and to prohibit any person or persons not holding a proper state license, and also a license issued by the authority of the common council of said city, from acting in either of such capacities.

Bridges.

20th. To provide for the security and protection of bridges in said city.

Lock-up.

21st. To erect and establish a lockup for the confinement of disorderly persons or vagrants, and for the confinement of persons waiting examination, and to pass ordinances for the regulation of the same, as may be necessary.

Fire limits.

22d. The common council, for the purpose of guard-

ing against the calamities of fire, shall have the power, by ordinance, and it shall be its duty, to prescribe the limits within which wooden buildings, or buildings of other materials which shall not be considered fire-proof, shall not be erected, placed or repaired, and to direct that any and all buildings, within the limits prescribed, shall be made and constructed of fire-proof materials, and to provide that any building or buildings erected, placed or repaired within the fire limits, in violation of such ordinance, shall be removed; and to prohibit the repairing or rebuilding of wooden buildings, or buildings not fire proof, within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage, and to prescribe the penalties for the violation of any resolution or ordinance passed under this section: *provided*, the penalty for the erection of buildings not fire-proof within the fire limits shall not for any one offense exceed the sum of five hundred dollars, and the penalty for allowing any such building or buildings to remain within said fire limits, after the same shall have been erected and ordered removed, contrary to the provisions of said ordinance, shall not exceed the sum of fifty dollars for each day said building or buildings shall remain within said fire limits.

23d. To protect trees and monuments in said city. **Trees and monuments.**

24th. To establish and regulate boards of health; to furnish hospitals and cemetery grounds; to regulate the burial of the dead. **Boards of health, cemetery, etc.**

25th. To restrain and punish vagrants, mendicants, street beggars, drunken persons, prostitutes, keepers of houses of ill-fame, persons giving away any strong spirituous liquor, wine or beer to any person; to prevent the selling or giving away of liquors, spirituous or vinous, any ale or beer, to any person whom the common council shall designate. **Vagrants, etc.**

SECTION 7. It shall be the duty of the clerk of said city to record the returns made to the board of aldermen of the elections had under this act, to transmit immediately after the qualifying of any marshal chosen or appointed, and after the election of any justice of the peace in said city, to the clerk of the circuit court of the counties of Dodge and Fond du Lac; to keep a record of the doings of the board of aldermen, and of the by-laws, ordinances and regulations, and also the doings and votes of the electors of said city at their annual and other elections, and to keep on file and pre- **Powers and duties of clerk.**

bring such person or persons before competent authority for examination, and for all services he shall receive like fees as are allowed to constables; he shall do and perform all such duties as may lawfully be required of him by the ordinances of said city, and he shall have power and authority to appoint one or more deputies to be approved by the mayor, for whose official acts the said marshal shall be responsible, and of whom he may require a bond for the faithful discharge of their duties.

Street commissioner.

SECTION 12. It shall be the duty of the street commissioner, within ten days after his appointment and qualification, to inspect all the streets in the city, all sidewalks, crosswalks, ditches, gutters, culverts, and all bridges and approaches thereto, and all matters and things appertaining to the streets, and report to the common council, recommending what in his opinion is necessary and ought to be done thereto. On the receipt thereupon, the common council shall consider the same, and may adopt the whole or any part thereof, add to, strike out, amend or change any part thereof, and as soon as they have passed upon said report and recommendations, the street commissioner shall be informed of the action had thereon. Whereupon said street commissioner shall cause such work to be done in accordance to the common council's amendments to his report, and according to the orders and directions of said common council. Any party or parties may petition the common council for any work or improvement they may particularly desire to be done, and said common council may act thereupon as they may deem fitting and proper, and said street commissioner may, at other times, make such other reports as the necessities of the case may require.

Street work.

SECTION 13. It shall be the further duty of the street commissioner to employ men, and procure utensils, teams and materials, and whatever may be necessary in performing the street work in said city, and all this he shall do under the direction and advice of the common council, and he shall superintend all such work when directed by the common council so to do, and shall keep an accurate account of all material procured, and all teams, utensils and men employed by him, and be able to certify to the account therefor, and shall do and perform, or cause to be performed, any and all other duties pertaining to his office, that may be prescribed from time to time by the common council: *provided, however*, that no street commissioner shall con-

tract nor create any greater expense to the city in any one year than the amount raised by the common council for highway purposes.

SECTION 14. All accounts against the said city for either work, hire, or materials for street purposes, including street commissioner's services, shall be paid out of the highway tax of said city: *provided, however*, that the expense of building and maintaining any bridge in said city may be paid out of the general fund. All such accounts for street purposes shall be duly verified, and when they arose or were created under the direction of the street commissioner, shall be certified by him to be true and correct in all particulars. The street commissioner shall be paid for his services, and for every day's service actually and necessarily rendered, such compensation as the common council and said street commissioner shall agree upon at the commencement of his official year, which shall not exceed two dollars per day, and such account for services shall be rendered under oath, as other accounts are. The common council may at any time remove such street commissioner from office by a majority vote of the common council. **Payment of accounts.**

SECTION 15. It shall be the further duty of the street commissioner to collect all highway taxes and superintend the laying out of the same under the direction of the common council. He shall possess all the powers and have all the rights in the collection of such taxes as is by law conferred upon road overseers. He shall, before he enters upon the duties of his office, execute to the common council a bond in such sum, with such sureties and conditions as the said common council shall direct, for the faithful discharge of his official duties. **Further duties of street commissioner.**

SECTION 16. It shall be the further duty of the street commissioner to see that all the ordinances of the city relating to the obstructing and cleaning of sidewalks, streets, alleys, public grounds, gutters and sewers within said city, are duly kept and observed, and direct and control the persons employed therein. **Cleaning of streets, etc.**

SECTION 17. It shall be the further duty of the street commissioner to report to the common council, in writing, when required, the amount of labor, materials or money expended in each ward separately, and also the amount expended on the street running between and dividing the two wards, and shall, at the close of his official year, make an annual report in writing to the common council, which shall set forth **Report of commissioner.**

bring such person or persons before competent authority for examination, and for all services he shall receive like fees as are allowed to constables; he shall do and perform all such duties as may lawfully be required of him by the ordinances of said city, and he shall have power and authority to appoint one or more deputies to be approved by the mayor, for whose official acts the said marshal shall be responsible, and of whom he may require a bond for the faithful discharge of their duties.

Street commissioner.

SECTION 12. It shall be the duty of the street commissioner, within ten days after his appointment and qualification, to inspect all the streets in the city, all sidewalks, crosswalks, ditches, gutters, culverts, and all bridges and approaches thereto, and all matters and things appertaining to the streets, and report to the common council, recommending what in his opinion is necessary and ought to be done thereto. On the receipt thereupon, the common council shall consider the same, and may adopt the whole or any part thereof, add to, strike out, amend or change any part thereof, and as soon as they have passed upon said report and recommendations, the street commissioner shall be informed of the action had thereon. Whereupon said street commissioner shall cause such work to be done in accordance to the common council's amendments to his report, and according to the orders and directions of said common council. Any party or parties may petition the common council for any work or improvement they may particularly desire to be done, and said common council may act thereupon as they may deem fitting and proper, and said street commissioner may, at other times, make such other reports as the necessities of the case may require.

Street work.

SECTION 13. It shall be the further duty of the street commissioner to employ men, and procure utensils, teams and materials, and whatever may be necessary in performing the street work in said city, and all this he shall do under the direction and advice of the common council, and he shall superintend all such work when directed by the common council so to do, and shall keep an accurate account of all material procured, and all teams, utensils and men employed by him, and be able to certify to the account therefor, and shall do and perform, or cause to be performed, any and all other duties pertaining to his office, that may be prescribed from time to time by the common council: *provided, however*, that no street commissioner shall con-

tract nor create any greater expense to the city in any one year than the amount raised by the common council for highway purposes.

SECTION 14. All accounts against the said city for either work, hire, or materials for street purposes, including street commissioner's services, shall be paid out of the highway tax of said city: *provided, however*, that the expense of building and maintaining any bridge in said city may be paid out of the general fund. All such accounts for street purposes shall be duly verified, and when they arose or were created under the direction of the street commissioner, shall be certified by him to be true and correct in all particulars. The street commissioner shall be paid for his services, and for every day's service actually and necessarily rendered, such compensation as the common council and said street commissioner shall agree upon at the commencement of his official year, which shall not exceed two dollars per day, and such account for services shall be rendered under oath, as other accounts are. The common council may at any time remove such street commissioner from office by a majority vote of the common council. **Payment of accounts.**

SECTION 15. It shall be the further duty of the street commissioner to collect all highway taxes and superintend the laying out of the same under the direction of the common council. He shall possess all the powers and have all the rights in the collection of such taxes as is by law conferred upon road overseers. He shall, before he enters upon the duties of his office, execute to the common council a bond in such sum, with such sureties and conditions as the said common council shall direct, for the faithful discharge of his official duties. **Further duties of street commissioner.**

SECTION 16. It shall be the further duty of the street commissioner to see that all the ordinances of the city relating to the obstructing and cleaning of sidewalks, streets, alleys, public grounds, gutters and sewers within said city, are duly kept and observed, and direct and control the persons employed therein. **Cleaning of streets, etc.**

SECTION 17. It shall be the further duty of the street commissioner to report to the common council, in writing, when required, the amount of labor, materials or money expended in each ward separately, and also the amount expended on the street running between and dividing the two wards, and shall, at the close of his official year, make an annual report in writing to the common council, which shall set forth **Report of commissioner.**

the amount of highway tax paid in money, and the amount paid in labor, also the amount of poll tax collected, the manner in which such moneys have been disbursed, and the particular items of such disbursement.

Justice of the peace.

SECTION 18. The justice of the peace for each ward of said city shall hold his office for two years from and after the first Monday in May next succeeding his election, except when elected to fill a vacancy, in which case he shall hold during the unexpired portion of such term. He shall, before entering upon the duties of his office, take and subscribe to two separate oaths of office, before some officer authorized to administer oaths, and shall also execute two official bonds, each to have two or more sufficient sureties, to be approved by the mayor, which shall be in the form and manner required by the statute; the approval of the sureties shall be indorsed upon such bonds, and the said justice shall cause one, together with his oath of office, to be filed in the office of the clerk of the circuit court of the county of Dodge, and the other, with his oath of office, to be filed in the office of the clerk of the circuit court of the county of Fond du Lac, and a copy of said bond duly certified by either of said clerks, shall be *prima facie* evidence of the contents and execution thereof. Each of the justices of the peace elected under the provisions of this act shall have jurisdiction, both civil and criminal, co-extensive within the limits of both of the said counties of Dodge and Fond du Lac, and may issue process, and may do all things in either of said counties that any justice of the peace of such court may lawfully do. But each of said justices shall keep and hold his office in the ward of said city in which he shall reside and have been elected, and not elsewhere: *provided*, that in case of appeal or *certiorari* in civil cases, the papers shall in all cases be transmitted to the county court of the county in which such action was tried: *and, provided, further*, that in case of appeal in criminal cases, or in examinations, and in which the justice has not final jurisdiction, the papers shall be transmitted to the circuit court of the county in which the offense was alleged to have been committed; and all commitments in criminal cases shall be made to the common jail of such county: except as provided in this act: *and, provided, further*, in all cases, if a cause shall be removed from the justice before whom the same was commenced, for prejudice or other cause, the papers shall be transmitted to the other justice in said city, if

he be competent to try the cause, but if there be no such justice, or if he be absent or sick, in such case papers shall, in civil cases, be transmitted to the nearest justice of the peace in the county in which the defendants or either of them was served with process, and in criminal cases the papers shall be transmitted to the nearest justice of the county in which the offense was charged to have been committed, and such nearest justice is hereby authorized to hear, try and determine the same in the manner provided by law. And the justice of the peace elected under the provisions of this act, shall perform the same duties, and shall receive the same fees, and be liable to the same penalties as other justices of the peace in this state.

CHAPTER VI.

TAXES AND FINANCE.

SECTION 1. All taxes raised and collected in said city shall be assessed and collected on the taxable property thereof. Taxes.

SECTION 2. The common council shall, between the first Monday in May and the first Monday in July in each year, determine the amount of general tax necessary to be assessed and collected the current year for corporation purposes, which shall in no case exceed one and one-half mills (1 1-2 mills) on the dollar of the assessed valuation of said city, except as hereinafter provided for in the levy and collection of special taxes. The maximum rate of taxation fixed in this and the ensuing section shall not be changed during the life of this charter, except upon petition of one-half of all the legal voters in said city. General tax.

SECTION 3. The common council shall, between the first Monday in May and the first Monday in June of each year, determine the amount of highway tax necessary to be assessed and collected the current year for highway purposes, which shall not be more than two mills on the dollar of the assessed value of said city, and a poll tax of one dollar upon every male person over the age of twenty-one, and under the age of fifty years, residing in said city, which may be paid in labor, materials or money. The said highway tax shall in all instances be assessed upon and collected on the assessment of the previous year of said city, and the same compensation shall be allowed for teams, wagons, carts, plows, scrapers and labor, as is by law allowed. Highway tax.

Restrictions of power.

SECTION 4. The common council of said city shall have no power to borrow money, nor shall said city be liable to pay money borrowed on its account or advanced on its behalf by any of its officers, nor shall any of its money or property be applied to any such purpose, nor shall the common council have power to issue any bonds or other evidence of debt payable at a day subsequent to the day of the issue thereof, nor shall the common council issue in any one year orders upon the city treasurer greater in amount than the amount of taxes which may be levied and collected under this act for such year: *provided*, that when it shall be necessary to build or repair bridges in said city, or to provide for other matters of necessity for the benefit of said city, a special tax may be levied for such purpose by the common council, not exceeding five hundred dollars in any one year; if a sum exceeding five hundred dollars may be required, such special tax may be voted by the qualified voters of said city, but no such vote shall be taken unless such special tax shall be first recommended by the common council, nor unless two-thirds of the qualified voters of said city shall vote in favor of such special tax, nor unless a notice of the same specifying the purpose for which said tax is to be raised, and the time and place of voting be published in the manner in this act providing for giving notice of city elections, which elections shall be conducted in the manner provided for municipal elections under this act.

Claims must be audited.

SECTION 5. No account or claim against said city shall be paid until it shall have been presented to the common council thereof, and audited and allowed by it, and when any such account shall be so audited, the common council so auditing the same shall indorse thereon or annex thereto a certificate subscribed by it of such auditing, and allowing or disallowing the same in which the sum allowed, if any, and the charges for which the same was allowed, shall be specified.

Accounts must be itemised.

SECTION 6. No account or claim shall be allowed by the common council until it shall be made out in items, and shall be accompanied by an affidavit of the person claiming to have done the service or made the disbursements therein charged, that the several items of the account or claim are correct, and that the services therein charged have been rendered, and the disbursements therein charged have been made, and that no part thereof has been paid. Such affidavit shall be indorsed on or annexed to such account or claim, and

presented therewith. Any member of the common council, when such account or claim shall be presented to it, may administer the oath required in this section, and said common council may examine the claimant on oath as to the items in such account or cliam.

Construction of law.

SECTION 7. Nothing in the last preceding section shall be construed to prevent the common council from allowing any account or claim in whole or in part when so made out and verified, nor from requiring other and further proof of the correctness and reasonableness thereof.

Accounts must be numbered.

SECTION 8. Every account or claim against said city presented to the common council in any year shall be numbered from one upwards, in the order in which it shall be presented, and a memorandum of the time of presenting the same, the name of the person in whose favor it shall be made out, shall be entered in the record of the proceedings of the common council.

Warrants.

SECTION 9. Every warrant drawn by the common council to pay any account or claim shall refer to such account by the number, the name of the person in whose favor it was made out and the time it was presented, and of the amount of the warrant, and a memorandum of such reference shall be entered in such records before such warrant shall be delivered to the claimant.

Aldermen.

SECTION 10. No alderman shall allow or subscribe a certificate of allowance of any item or any account or claim against said city which said city shall not be legally bound to pay, or for the payment of which it could not lawfully raise money therein by tax, nor shall any alderman sign any warrant for the payment of any such claim or account or any part thereof nor shall any alderman vote in the common council on any matter in which he is interested.

Application of funds.

SECTION 11. All moneys raised by virtue of any tax levied upon the property of said city shall be used for the purpose for which such tax was levied and for no other purpose whatever, and any officer misapplying any such money shall be deemed guilty of malfeasance in office, but nothing herein shall be construed to prohibit or prevent the common council from auditing and paying all just demands and claims against said city which it would be legally bound to pay from the corporate fund thereof.

CHAPTER VII.

ACTIONS TO RECOVER PENALTIES, ETC.

Penalties.

SECTION 1. In all cases in which, by the provisions of this act, the common council shall have power to enact or pass ordinances, by-laws or regulations, in relation to any subject, it shall have power to prescribe any penalty for the violation or non-observance of such ordinance, by-law or regulation, not exceeding fifty dollars fine or forfeiture for any one offense in violation or non-observance thereof, except as is provided in this act; and it may also provide that, in default of payment of any judgment rendered for such violation or non-observance, the offender may be imprisoned for such term as it may by such ordinance prescribe, not exceeding three months, and for all purposes the said city shall have the use of the county jails of the counties of Dodge and Fond du Lac, for the imprisonment of all persons liable to be imprisoned; and all persons committed to either of said jails by the marshal of said city or other proper officer, shall be under the charge of the sheriff of the county to which he may be sent.

Actions—how brought.

SECTION 2. All actions brought to recover any penalty, fine or forfeiture under this act, or the ordinances, by-laws and regulations made in pursuance thereof, shall be brought in the name and for the benefit of the city of Waupun, and it shall be lawful to declare generally in debt for such penalty, fine or forfeiture, stating the chapter and section of this act, or the section of the ordinance, by-law or regulation under which the penalty, fine or forfeiture is claimed, and to give the especial matter in evidence, and all such actions shall be brought before a justice of the peace of said city, except as is especially provided in this act, or when the penalty sought to be recovered exceeds the jurisdiction of the justice's courts.

Mode of process

SECTION 3. In all prosecutions for any violation of any of the provisions of this act, or of any ordinance, by-law or regulation under this act, or for the non-observance thereof, the first process shall be by summons, unless oath be made for a warrant, as is hereinafter provided.

Summons—form of.

SECTION 4. When such action is commenced by summons, such summons may be substantially in the following form:

COUNTIES OF DODGE AND FOND DU LAC } ss.
City of Waupun. }

The State of Wisconsin to the sheriff or any constable of either of said counties, or to the marshal of the city of Waupun:

You are hereby commanded to summon —— —— if he shall be found within your county, to appear before the undersigned, a justice of the peace in and for the —— ward of said city, at his office in said ward, in said county of —— on the —— day of —— 18— at —— o'clock in the —— noon of said day, to answer to the city of Waupun to the damage of said city two hundred dollars or under.

Given under my hand at said city this —— day of —— 18—.

C—— D—— Justice of the Peace.

Return of summons.

SECTION 5. Such summons shall be made returnable and be served in the same manner as is prescribed by the general laws of this state for the commencement of actions before justices of the peace by summons, and all proceedings in such action except as hereinafter provided shall be in accordance with the general laws of the state for the government of civil actions before justices of the peace so far as the same may be applicable.

Form of complaint.

SECTION 6. When the action is commenced by summons, the complaint may be substantially in the following form:

THE CITY OF WAUPUN, against A—— B——.

In Justice's Court, before C. D., Justice.

The plaintiff complains against the defendant, for that the defendant did, on the —— day of ——, 18—, in the —— ward of said city, in —— county, violate section —— of an ordinance (or by-law or regulation, describing it by its title) of said city; by which said action hath accrued to the city of Waupun to recover of the defendant the sum of —— dollars debt. Wherefore, the plaintiff demands judgment against the defendant for the sum aforesaid, and costs of this action.

Such complaint shall be signed by the proper officer or other person, and filed with the justice before whom the action is brought at the time of the issuing of the summons named in this chapter.

Form of affidavit of complaint

SECTION 7. In all cases where oath is made for a warrant, the affidavit of complaint shall be substantially in the following form, and subscribed by the complainant, and no other complaint in such action shall be necessary:

THE CITY OF WAUPUN
against } In Justice Court.
A——— B———.

STATE OF WISCONSIN,
Counties of Dodge and Fond du Lac, } ss.

——— ———, being duly sworn, complains on oath to ——— ———, a justice of the peace in and for the —— ward of the city of Waupun, that ——— ——— did on the —— day of —— 18—, in the —— ward of said city, in ——— county, violate section ——, of an ordinance (or by-law, describing it by its title) of the city of Waupun, which said —— is now in force and effect as the complainant verily believes, and prays that the said ——— ——— may be arrested and held to answer to the said city of Waupun therefor.

Subscribed and sworn to before me this —— day of ——, 18—.

C——— D———,
Justice of the Peace.

In either of the forms of complaint named herein, the chapter and section of this act, or the number and section of the ordinance, by-law or regulation under which the action is brought, shall be named, and shall be sufficient. But when such ordinance, by-law or regulation imposes a penalty or forfeiture for several offenses or delinquencies for which the action is brought, and upon the filing of such last named complaint with the justice, he may examine the complainant and such witnesses as he may produce, on oath, as to the facts, and if, upon such examination, it shall appear that such offense has been committed, he shall issue his warrant thereon, which may be substantially in the following form:

Form of warrant.

COUNTIES OF DODGE AND FOND DU LAC—City of Waupun—ss.

The state of Wisconsin to the sheriff or any constable of either of said counties, or to the marshal of the city of Waupun:

Whereas, ——— ——— has this day complained to me in writing, on oath, that ——— ——— did, on the ——— day of ———, 18—, in the ——— ward of the city of Waupun, in ——— county, violate section ——— of an ordinance (or by-law or resolution, describing it by its title), of said city, which said ——— is now in full force, as the complainant believes. Therefore, you are commanded, in the name of the state of Wisconsin, to arrest the said ——— ——— and bring him before me forthwith, at my office in the ——— ward of said city,

in the county of ——, to answer to the city of Waupun on the complaint aforesaid.

Given under my hand at the city of Waupun, this —— day of ——, 18—.

C—— D——, Justice of the Peace.

Action upon return of warrant.

Upon the return of the warrant the justice may proceed summarily with the case, unless it be continued by consent or for cause. If the cause be adjourned, the defendant, if required by the court so to do, shall recognize, with security to be approved by the court, for his or her appearance, in such sum as the court shall direct, or in default thereof may be put in charge of an officer or committed to the lockup of said city, or to the common jail of the county in which the ward is situated where the offense is charged to have been committed. The complaint as aforesaid shall be the only complaint required, and the answer of "not guilty" shall put in issue all subject matter embraced in the action, and the proceedings therein may be such as govern criminal trials before justices.

Evidence.

SECTION 8. A printed copy of an ordinance, by-law or regulation passed by the common council and published in a newspaper, or in pamphlet or book form, purporting to be published by authority of the common council, or certified by the clerk of said city to have been so published, shall be *prima facie* evidence of its passage and publication, and shall be received in evidence on the trial of all cases cognizable before any court in this state.

Jury.

SECTION 9. In all prosecutions and cases under this chapter the defendant may demand a jury after issue joined and before trial. The proper officer whom the justice may direct, shall thereupon make a list of eighteen jurors who shall be qualified to serve as jurors in courts of record in either of the counties of Dodge and Fond du Lac, and the parties shall then alternately strike therefrom, the defendant commencing, so many names as will leave six names remaining. The court shall thereupon issue a venire commanding the officer to summon those six remaining jurors to appear before him at such time as he may direct, to make a jury for the trial of the said action, and the court may compel their attendance by attachment as in other cases. Either party may challenge any juror as in other cases before justices of the peace, under the laws of this state, and vacancies thereby, or by any other cause occasioned shall be supplied by talesmen to be elected and summoned by the officer. If the defendant shall not

demand a jury the city may demand a jury as above provided, and if no jury be demanded it shall be deemed a waiver of a jury trial; if either party decline to strike from the list the names which he is entitled to strike, the court shall strike the same for such party. Each juror shall receive for his services in each trial the sum of fifty cents for each day and part of a day therein employed, and all proceeding shall be as is provided by law for the trial by jury before justices of the peace in criminal cases.

Witnesses shall attend without tender of fees.

SECTION 10. Witnesses and jurors shall attend before the justice court in all the aforesaid cases without the payment of fees in advance, or the tender thereof, upon the process of the court duly served, and in default thereof their attendance may be enforced by attachment, in which case the same proceedings may be had as is provided by law in other cases of contempt before justices of the peace. In case the jury after being kept a reasonable time shall disagree, they shall be discharged without payment of fees, and thereupon the court may adjourn the case to certain a day, and issue a new venire as aforesaid.

Finding of court.

SECTION 11. In city prosecutions the finding of the court or jury shall be either "guilty" or "not guilty."

If guilty.

If guilty, the court shall render judgment thereon against the defendant or defendants, or each of them, for the fine, penalty or forfeiture contained in the ordinance, by-law or resolution, for the violation of which the person or persons shall have been adjudged guilty, and the costs of suit; but if not guilty, the costs shall be taxed against the city. Upon conviction and non-payment of such judgment, the court may forthwith issue an execution as in case of tort, in case the action was commenced by summons, or a commitment in case it was commenced by warrant, and shall in either case determine and enter upon his docket the length of time the defendant shall be imprisoned for non-payment, which shall in no case exceed three months, and also insert such time in the execution or commitment; such execution may be substantially in the following form:

Execution and commitment.

COUNTIES OF DODGE AND FOND DU LAC, } ss.
City of Waupun. }

The state of Wisconsin to the sheriff or any constable of said counties, or to the marshal of the city of Waupun.

Whereas, the said city of Waupun did, on the ——— day of ———, 18—, recover a judgment before the undersigned, one of the justices of the peace in and for

the —— ward of said city, in said county of ——, against ———, for the sum of —— dollars, together with —— dollars and —— cents costs of suit, for the violation of section —— of an ordinance (or by-law or regulation, describing it by its title) of said city: You are hereby commanded to levy distress of goods and chattels of said ——, excepting such as the law exempts, and make sale thereof according to law, to the amount of said sums, together with your fees and twenty-five cents for this writ, and the same return to me in thirty days, or for want of such goods and chattels whereon to levy, to take the body of said —— ——, and him convey and deliver to the keeper of the common jail of the county of——, and the said keeper is hereby commanded to receive and keep in custody in said jail the said ——, for the term of ——, unless the said judgment, together with all the costs and fees, are sooner paid, or he be discharged by due course of law.

Given under my hand this —— day of ——, 18—,

C. D., Justice of the peace.

The form of the commitment shall be substantially the same as the execution, omitting all that relates to levy and sale and return of writ.

SECTION 12. The defendant may appeal in the same manner as provided by law in cases of an appeal from judgment in courts of justices of the peace in criminal proceedings, in this state, and bonds shall be required of such defendant as is by law required of defendants in criminal cases upon appeal, and the city may also appeal from any judgment, but shall not be required to give any bond upon appeal. **Appeals.**

SECTION 13. In the appeal mentioned in the preceding section, the justice before whom the trial shall have been held shall return all the papers in the case, and the proceedings had before him, to the county court of the county where the action shall have been tried, and said appeal shall stand for trial by jury, unless a jury be waived in the manner provided by law, in said circuit court at the next term thereof, after the day said appeal be so taken, and no notice of trial shall be required to be given to or by either party. **Return of proceedings.**

SECTION 14. If the judgment of the justice be affirmed, or if upon the trial the defendant shall be convicted, the court shall inflict the penalty provided by this act, or the ordinance, by-law or regulation under which he or they are prosecuted, and enter judgment against him or them, and also against their sureties, for such penalty, together with the costs in both courts, **Infliction of penalty.**

and enforce the same by execution, as in actions of tort, against both the principals and sureties.

Costs.

SECTION 15. The costs in justice's court, the jail fees and officers' fees, on commitment in all the aforesaid cases, shall be audited and allowed by the common council when the same shall not be collected of the defendant before his discharge; and said common council may, by resolution, direct the justice to discharge from jail any person confined on a judgment due said city, but such discharge shall not operate as a release of the judgment unless said common council shall so direct in their resolution. Upon filing with the justice who issued such execution or commitment a certified copy of such resolution, attested by the clerk of said city, such justice shall order the defendant discharged from custody, and shall make an entry of such discharge upon his docket, and no execution in tort shall thereafter be issued in such case; but execution, as in civil actions, upon judgment for debt, may, from time to time, be issued, unless such resolution shall release the judgment.

Not disqualified.

SECTION 16. No person shall be an incompetent judge, justice or juror by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

Vested rights.

SECTION 17. All actions, rights and penalties, fines and forfeitures in suits or otherwise, which have arisen under the acts consolidated herein, shall be vested in, and may be prosecuted by, the corporation hereby created.

Ordinances to remain in force.

SECTION 18. All ordinances and regulations now in force in the village of Waupun, not inconsistent with this act, shall remain in force under this act until altered, modified or repealed by the common council, and all violations of such ordinances, by-laws and regulations may be prosecuted under the provisions of this chapter.

Fines, etc.

SECTION 19. All penalties, fines, forfeitures and liabilities which may be incurred and arise under and by virtue of this act shall be prosecuted for and recovered in the name of the city of Waupun, and for its use and benefit, and shall be paid into the treasury of said city by the officer collecting the same, and it shall be the duty of the treasurer of said city semi-annually to examine the dockets of the justices of the peace of said city, and to receive and receipt for all such sums as shall have been collected as aforesaid.

In case of commitment.

SECTION 20. When judgment is rendered against

any person for the violation or non-observance of any ordinance, by-law or regulation of said city, and such person shall be committed to jail for the non-payment thereof, all subsequent costs and expenses made thereon, including interest and board, shall be added thereto, and which such person shall be required to pay in case of payment of said judgment.

Complaints

SECTION 21. Any elector of said city may make the complaint required by this chapter, and it shall be the duty of the mayor to prosecute, in the name of said city, for all violations and non-observances of the ordinances, by-laws and regulations of said city, which may come to his knowledge, and when any person shall inform the mayor of any violation or non-observances of the ordinances of said city, it shall be his duty to take such person before a justice of the peace of said city, and shall, with such justice, inquire into the alleged facts, and may examine on oath such person and the witnesses produced by him, and if the mayor shall deem the action well founded, he shall require such informant to make the complaint required by this chapter, and the mayor shall cause such action to be prosecuted; and it shall be the duty of the street commissioner to report to the mayor all such violations and non-observances as relate to streets and sidewalks which shall come to his knowledge, and by the advice and consent of the mayor, shall prosecute therefor; but nothing herein shall be construed to prevent or prohibit the marshal or his deputies, or any policeman, from bringing before a justice of the peace, without process, any person who may be arrested in the act of violating any of the ordinances as aforesaid, or from making the complaint required by this act. And in case the mayor shall neglect or refuse to prosecute any such alleged violation or non-observance of the city ordinance, by-law or regulation, any elector of said city may make the required complaint and prosecute such action: *provided*, that if any action so prosecuted by an elector shall not be maintained, the defendant shall be immediately discharged, and if the justice before whom the action is had shall certify in his docket that the complaint was willful and malicious and without probable cause, he shall enter a judgment against the complainant to pay all costs which shall have accrued to the court and jury and officers in the proceedings had upon such complaint. The complainant may stay such judgment for thirty days by giving satisfactory security by bond to the city, with one or more

sureties, to be approved by the justice, conditioned for the payment of such judgment at the expiration of thirty days; but if the complainant shall neglect to give such security within twenty-four hours, or shall neglect to pay such costs, then in such case the court before whom the cause is tried may issue execution on said judgment against the person of the complainant, in the same manner and with like effect as is now provided by law in cases where execution may issue against a defendant in actions in tort, and such execution may be in the form provided in this chapter.

Restraint of alleged criminals

SECTION 22. It shall be lawful for the marshal and his deputies, or any policeman or other proper officer, to confine in the lockup of said city, any person who may be arrested charged with the violation or non-observance of any city ordinance, or with the commission of any criminal offense under the laws of this state, and to keep in custody in said lockup such persons while awaiting trial or examination, and at proper times during the continuance thereof.

Commitments.

SECTION 23. All commitments and executions under this act shall be directed to the keeper of the common jail of the county, in which the ward is situated where the action shall have been tried for which such execution or commitment is issued, and such keeper is hereby required to receive and keep in custody all such persons committed under the provisions of this act until such person be discharged by due course of law or by the payment of the penalty, costs and expenses as required by section twenty of this chapter.

Civil actions.

SECTION 24. All actions brought for the recovery of penalties under the provisions of this act shall be deemed civil actions, and all appeals shall be taken to the county court of the county in which the action is tried, but all proceedings before justices of the peace shall be as herein specified.

CHAPTER VIII.

IMPROVEMENTS.

Sidewalks.

SECTION 1. Whenever a majority of the resident owners of real estate and lots, bordering on any one side of any street or part of street not less than ten rods in length, or on any block or blocks in said city, shall desire to have a sidewalk built or repaired, they shall make out and sign an application, in writing, to the common council of said city, in which shall be stated the commencement and terminus of said walk, and the

length thereof, also a brief description of the materials of which the same is proposed to be repaired or built, and request that a tax be levied sufficient to build or repair (as the case may be) said sidewalk.

Duty of street commissioner in premises.

SECTION 2. On the receipt of an application as mentioned in the preceding section, the common council, if they deem the building or repairing of said sidewalk necessary or expedient, shall direct the street commissioner of said city to run the line thereof and to report, within eight days, the cost and expense of building or repairing said sidewalk along the line of each lot or tract of land bounded thereby; and upon the coming in of said report the said common council, having power to alter or correct said report, shall direct the clerk to make out and deliver to the street commissioner such tax on each lot or tract of land as is required to build or repair said sidewalk along the line thereof, giving a list of the owners, if known, and a description of the property taxed; and thereupon the said street commissioner shall notify the persons named in such tax list by delivering to each person (if residing within said city) or leaving at the house or place of business of each person, a written notice requiring such person to build or repair said sidewalk along the line of the lot or land so taxed, within thirty days from the date of said notice, or pay the amount of said tax in money, and in case any person or persons so taxed do not reside within the limits of said city, a similar notice to them shall be posted in three of the most public places in said city.

Failure of owner to build.

SECTION 3. To any such list issued as aforesaid a warrant shall be annexed, signed by the mayor and countersigned by the clerk, commanding the street commissioner to collect the taxes mentioned in such list in money, if the persons named therein failed to build or repair the sidewalk, for the building or repairing of which said tax was levied, within thirty days after being notified by the street commissioner so to do, and said street commissioner, under said warrant, shall possess all the powers in collecting said taxes that are by statute conferred upon town treasurers in collecting town taxes, and said tax list and warrant shall be returned, within forty days, to the common council, accompanied by a statement of said street commissioner, verified by his affidavit subscribed thereto, showing the amount of tax collected in labor and materials, and the amount collected in money, and the manner in which such money and items of expenditures have

been made, also the taxes which remain unpaid, and the persons and descriptions of real estate and lots to which such unpaid taxes stand charged.

Completion of sidewalk.

SECTION 4. On the return of the tax list and warrant by the street commissioner if it shall appear that any portion of said tax remains unpaid, the common council may order the street commissioner to complete the building or repairing of said sidewalk, and pay the expenses thereof out of the treasury of said city, in which case the tax, when collected, shall be paid to the treasurer for the use of said city as herein provided.

Collection of tax.

SECTION 5. The clerk, in making out the tax rolls of said city next thereafter, shall enter such unpaid taxes therein in a separate column opposite to the names and descriptions of the property against which the taxes so remain unpaid, and such taxes shall be collected in the same manner by the treasurer of said city as the general taxes are collected

Repairs.

SECTION 6. Whenever any sidewalk in said city shall be so out of repair that in the opinion of the common council the sidewalk so out of repair should be repaired, or that said walk so out of repair should be replaced with a new walk, the said common council shall have the authority under this act, and they are hereby authorized to cause said walk so out of repair, to be repaired, or to be replaced with a new walk, as the case may be, without petition, as mentioned in section one of chapter ——.

CHAPTER IX.

HIGHWAYS, STREETS AND ALLEYS.

Streets, etc.

SECTION 1. The mayor and common council of the city of Waupun shall have power to lay out, open, change, extend and widen public squares, grounds, highways, streets and alleys, as follows: Whenever twelve or more freeholders residing in said city shall by petition represent to the common council of said city, that it is necessary to take certain lands within said city for public use, for the purpose of laying out, opening, changing, extending or widening public squares, grounds, highways, streets or alleys, and shall in such petition specify with reasonable certainty the lots, tracts or parcels of land necessary to be taken for the purposes mentioned in such petition, and the names and residences of the owner or owners thereof so far as the same can be ascertained, the common council shall by resolution to be entered upon its journal, directing

such person as may be designated by such resolution to apply to the county judge or court commissioner of the county where the land so petitioned to be taken is situated, or to a justice of the peace of said city, which county judge, court commissioner or justice of the peace shall be designated by said common council, for the appointment of a jury to ascertain and establish by their verdict the necessity for taking such lands for the purpose specified in such petition. Such resolution shall also designate the time when and place where such application will be made, and if the owner or owners of the whole or any portion of such lands are known and reside in such city, or in either of the counties of Dodge or Fond du Lac, a copy of such resolution shall be served upon such owner or owners personally or by leaving a copy at the usual place of residence of such owner or owners with some person of suitable age and discretion, to whom the nature and contents of such resolution shall be explained, at least six days before the time of making such application. If such owner or owners are not known, or being known, do not reside in such city or in either of the counties of Dodge or Fond du Lac, and their postoffice address can with reasonable diligence be ascertained, a copy of such resolution shall be deposited in the postoffice in said city, postage prepaid, and directed to such owner or owners, and published in some newspaper published in said city, once in each week for three successive weeks before such application shall be made.

Appointment of jurors.

SECTION 2. Upon presentation of such application and proof of due service of such resolution, as prescribed in section one of this chapter, at the time and place appointed therein for that purpose, the said judge, court commissioner or justice of the peace, as the case may be, shall appoint twelve respectable and disinterested freeholders of said city, who shall constitute a jury to ascertain and establish the necessity for taking such lands for the purposes specified in such petition. The said judge, court commissioner or justice of the peace, shall thereupon issue his precept, directed to the marshal of said city or his deputy, requiring him to summon said jurors to meet at a time and place to be specified in such precept, to be not more than five days from the date thereof, to view the lands proposed to be taken, and to decide upon the necessity for taking them for such purposes, and to make due return of their verdict to the said common council of said city within three days from the time appointed for such meeting.

Vacancy.

SECTION 3. In case any of the jurors shall fail to attend at the time and place appointed in the precept, the said judge, commissioner or justice of the peace, shall appoint other jurors who are duly qualified, as hereinbefore specified, in place of those so failing to attend, which appointment shall be annexed to or indorsed upon such precept. When such jurors are all present, they shall be sworn or affirmed by said judge, commissioner or justice of the peace, or some other person authorized to administer oaths, faithfully and honestly to discharge the duties required of them by such precept, and the officer administering the oath shall certify the fact, which certificate shall be indorsed upon or annexed to such precept.

Duty of jurors.

SECTION 4. After the jury is sworn, it shall proceed to examine the lands proposed to be taken, and to inquire into the necessity for taking the same for the purposes specified in the petition, and shall return its verdict in writing, signed by each juror, to the marshal or his deputy, by whom it was summoned, who shall immediately deliver the same, together with said precept and all the papers relating to such proceedings, to the city clerk, and the same shall be laid by the clerk before the common council at its next meeting. In case such jury fail to agree, it shall so report to the judge, commissioner or justice of the peace by whom it was appointed, who shall thereupon appoint another jury, and such second jury shall be selected, summoned and sworn, and proceed in the same manner above prescribed for the first jury. The county judge, court commissioner or justice of the peace shall be entitled to one dollar, the marshal or his deputy to two dollars, for each case, and each juror one dollar per day for all services rendered by them respectively, in each of such proceedings under this act.

Survey.

SECTION 5. If the verdict of the jury shall be that it is necessary to take the said land, or any part thereof, for the purposes specified in such petition, the said common council shall proceed to lay out, open, change, extend, or widen such public squares, grounds, highways, streets or alleys, and cause the damages and benefits resulting from the same to be assessed, collected and paid, and said public squares, grounds, highways, streets or alleys to be widened, opened, laid out or extended in the manner prescribed by this act; they shall cause an accurate survey thereof to be made when necessary, and shall cause an order conteining their decision upon the petition and survey, to be entered in their journal,

and shall cause a copy of such order and a plat of the street or alley to be filed in the office of the register of the county where the land so taken is situated.

SECTION 6. The assessment of all benefits and damages which may arise or accrue from laying out, opening, changing, extending or widening any public squares, grounds, highways, streets or alleys, under the provisions of this act, shall be made by the common council of said city. It shall be its duty to assess the same as follows: To each lot or tract injured thereby, or of which the whole or any part thereof must be taken therefor, the said common council shall assess so much of the damages as it shall deem just; to each lot or tract which will be benefited thereby, it shall assess the whole amount of such benefit, and shall determine what portion of such damages shall be paid by the city at large, from the general fund of the corporation. Its assessment and determination shall be in writing, signed by them, or a majority of them, and filed with the city clerk. The assessment of benefits as made by the common council, or in case of appeals as hereinafter provided, by the verdict of a jury, shall be a lien upon the several lots or tracts upon which they may be assessed, from the time of the filing thereof, and the collection thereof shall be enforced in the same manner as other taxes assessed against such lands. Assessments.

SECTION 7. Any person whose property is taken, or against whose property an assessment of benefits is made, as hereinbefore provided,, may within ten days, and not afterwards, appeal from such assessment of damages or benefits to the circuit court of the county in which the land is situated, upon which such assessments are made, by filing a notice of such appeal, with his reasons therefor, with the clerk of said city. Such appeal shall be tried by the court and jury, as in ordinary cases, upon receiving notice of such appeal. The clerk of said city shall transmit to the clerk of the circuit court of the proper county, a certified copy of all the proceedings relating to the matter in controversy. The verdict of the jury, when rendered, shall be certified by the clerk of the circuit court, to the clerk of said city, together with a statement of the costs on appeal in the appellate court. If the appellant gain nothing in increase of damages or reduction of benefits by the verdict of the jury on appeal, he shall pay the costs of appeal, and judgment shall be entered against him for such costs, otherwise the costs shall be paid by the city, and judgment shall be entered against the city therefor. Appeals.

Tender of damages.

SECTION 8. No public grounds, squares, highways, streets or alleys laid out, widened or extended under the provisions of this act, shall be opened, widened or extended until the damages for taking the lands therefor, as assessed by the common council, or in cases of appeal by the verdict of the jury, shall have been paid or tendered to the owner or owners, or his or their agent, or in case the owner or agent cannot be found, or is unknown, deposited to his credit in some safe and convenient place of deposit. After such payment, tender or deposit, such grounds, squares, highways, streets or alleys shall be subject to all laws and ordinances of said city in like manner as public grounds, squares, highways, streets and alleys heretofore laid out and opened. If such payment, tender or deposit shall not be made as aforesaid, to all the owners whose lands are required to be taken in the laying out, widening or extending of any public grounds, squares, highways, streets or alleys within one year after the assessment of damages as hereinbefore provided, the proceedings in laying out, widening or extending such public grounds, squares, highways, streets or alleys, and all assessments thereon, shall be void, and any money paid into the treasury on account of benefits to any lot or tract of land assessed in such proceedings shall be refunded to the person entitled thereto.

Ineligible.

SECTION 9. No person shall be eligible as juror to determine the necessity of taking any lands for the purposes mentioned in the first section of this act, whose name appears upon the petition mentioned in said first section.

Surety for costs

SECTION 10. Any person who shall appeal from the assessment of damages, or benefits, or both, which shall be included in the same action, shall be required at the time of making such appeal, to give and file with the clerk of the court to which he appeals, an undertaking signed by one or more sureties, to be approved by the clerk of said court in the sum of two hundred dollars, conditioned to pay all costs which shall be awarded against him on such appeal.

CHAPTER X.

MISCELLANEOUS.

Out-lots.

SECTION 1. It shall be the duty of the common council of said city, to cause all lots, pieces or parcels of land situate within the limits of said corporation, and not included in any recorded plat or addition to said

city, to be numbered, giving a particular description to each number, and such lots, parcels or subdivisions of land shall be numbered from one upwards, upon each forty acres, according to government survey, so far as the same shall be practicable, and such lots, pieces and parcels of land when so numbered, shall be known as out-lots for all the uses and purposes of said corporation. The common council shall then cause the description and number by which each lot, piece or parcel of land so numbered and described shall be known, to be recorded in the office of the register of deeds of the county in which such lot, piece and parcel of land is situated, and all lots, pieces or parcels of land so described which may be sold for taxes, the description shall be as valid as if described by metes and bounds, and whenever any subsequent subdivision shall occur, the common council shall direct the clerk to number and describe such subdivision, and cause a record of the same to be made as aforesaid.

Bridges.

SECTION 2. All bridges within said city shall be erected, maintained and kept in repair at the expense of the corporation.

Fire department.

SECTION 3. The common council shall have power to appoint and at its pleasure to remove the following officers, to-wit: One chief engineer of the fire department, two fire wardens, and as many assistant fire wardens as it may from time to time deem necessary, one surveyor, one sealer of weights and measures, one city attorney, and one health officer, and prescribe their duties and fix their compensation under the provisions of this act, and to impose and enforce in law such penalties, as to the said common council may seem proper for any malfeasance or any improper conduct of any of said officers, and to require bonds for the faithful discharge of the duties of any such of them as may be deemed expedient and necessary by the said common council.

Not absolved by reason of failure to hold election.

SECTION 4. If the first or any annual election provided for in this act shall for any cause not be held, it shall not be considered a sufficient reason for arresting, suspending or absolving the said corporation, but such election may be held at any time thereafter by order of the common council, or by order of any five freeholders of said city, of which time ten days' public notice shall be given by posting up a notice in three public places in each ward of said city; and further, if any of the duties enjoined by this act, at a time herein specified by any ordinance of said city, are not then

done, the common council may appoint another time in which the said duties may be performed: *provided*, that the officer or officers so failing to execute such duties at the time required shall be liable to the same actions, fines, and penalties as they would have been had not said power been conferred upon or exercised by said common council.

Vacancies.

SECTION 5. In case the common council shall remove any officer elected or appointed by it under the provisions of this act, the said common council shall have power to fill the vacancy caused by such removal, at any time, by election or appointment.

Lien.

SECTION 6. A transcript of a judgment for more than ten (10) dollars, exclusive of costs, rendered by any justice of the peace of said corporation, may be filed in either of the counties of Dodge or Fond du Lac, and shall be a lien upon the real estate of the defendant therein, and execution may issue thereon as in other cases made and provided in relation to the filing of transcripts of justices' judgments.

Justices.

SECTION 7. Each justice of the peace of the village of Waupun whose term of office shall not have expired at the time this act shall take effect, may hold and exercise the duties of his office for the residue of the term for which he was elected, and shall exercise and possess the jurisdiction and power conferred by this act. And no justice of the peace for said city shall be elected under the provision of this act until the second municipal election held pursuant thereof, except in case of vacancy, in which case such vacancy shall be filled as herein provided.

Service of process.

SECTION 8. When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process by the proper officer with the mayor, and it shall be the duty of the mayor forthwith to inform the common council, or to take such other proceeding as by ordinance or resolution of said council may in such case be provided.

Exempt from seizure.

SECTION 9. No real or personal property of any inhabitant of said city, or of any individual or corporation shall be levied upon or sold by virtue of any execution issued to satisfy any judgment rendered against said city.

Regulations relating to paupers.

SECTION 10. Such regulations in regard to paupers as now are, or shall be adopted by either of the counties of Dodge or Fond du Lac, shall apply to the ward of said city within such county, and the common council shall have power to raise by tax a separate fund

called a poor fund, in either ward of said city to carry out such regulations.

SECTION 11. The mayor and aldermen shall each receive for his services for each day actually and necessarily employed in the discharge of his official duty, the sum of two dollars, and at the same rate for portions of a day. Excepting for such services as can or shall be performed in council meetings, for which services no compensation shall be allowed, and all accounts against the city for their services shall be rendered under oath as other accounts against the city are required to be rendered, after the term of office of such mayor or alderman shall have expired, and not sooner, and shall be audited and allowed as are other accounts against the city, and said mayor and alderman or either of them are hereby prohibited from being in any manner interested in any job or contract made by the authority of said city. Compensation.

SECTION 12. Any officer of said city who shall willfully neglect or violate any of the duties enjoined upon him by this act, or by any ordinance of said city, or who shall be guilty of other malfeasance in office, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay a sum not exceeding two hundred dollars. Penalty of officers.

SECTION 13. In all actions or proceedings, commenced before justices of the peace of said city, the summons, complaint, warrant or other process, may be entitled and directed substantially as is prescribed in this act for processes in violation of city ordinances, and it shall be sufficient if such summons, complaint, warrant or other process shall, in the body thereof, indicate or recite the county in which such justice shall hold his office. Direction of process.

SECTION 14. This act shall be considered a public act, and shall be construed favorably in all courts and places, and no general law of this state, contravening the provisions thereof, shall be construed as repealing, annulling or modifying the same, unless such purpose be expressly set forth in such law as an amendment to this charter. Construction of act.

SECTION 15. The common council shall have authority by ordinance to provide that any and all persons who shall be found guilty of the violation of any city ordinance for drunkenness, vagrancy, mendicancy, street begging, or for being an inmate or frequenter of a house of ill-fame, or for disorderly conduct, and shall neglect or omit to pay any fine or costs imposed there- Labor penalty.

for, that such person or persons shall work out such fine and costs upon the public streets of said city, or shall do any other work that such city may have or wish to be done, and the compensation therefor to be fixed by the common council, shall be deducted from such fine and costs thereon; and the common council may pass the necessary ordinances to carry out the provisions of this section.

Printing.

SECTION 16. It shall be the duty of the common council to let the printing for said city to the lowest responsible bidder. It shall also be its duty to cause the proceedings of the common council to be published from time to time, and at the end of its official year to cause an itemized statement to be published, in which shall appear the amount of money paid into the treasury of said city during their official year, and from what source received; and also the amount for which orders have been drawn, to whom, the amount to each person, and for what purpose, and shall also cause to be published the annual report of the street commissioner.

Surrender of office.

SECTION 17. All city officers shall, at the termination of their office, or upon removal, immediately deliver to their successors in office all property, money, books, papers and effects of every description in their possession belonging to the city or pertaining to the office they may have held: and any officer willfully neglecting or refusing so to do, shall be deemed guilty of a misedemeanor, and shall forfeit and pay a sum not exceeding two hundred dollars, and shall be liable to the city in a civil action for all damages caused by such neglect or refusal.

Village officers.

SECTION 18. All officers of the village of Waupun now in office shall hold their respective officers until their successors shall be elected or appointed and qualified under this act, and the term of every officer elected or appointed under this act shall commence on the second Tnesday of April of the year for which he was elected, except as is provided in this act.

License moneys

SECTION 19. All moneys derived from licenses issued by authority of the common council of said city under the provisions of this act or of the excise law of the state of Wisconsin, shall be paid into the treasury of said city for its benefit as a part of the general fund.

Power to remit tax.

SECTION 20. The common council shall have power to remit the tax upon any property illegally assessed, and shall also have power to remit any highway tax improperly leveid.

SECTION 21. Every practicing physician in said city who shall have a patient laboring under any malignant or infectious or pestilential disease shall forthwith make report thereof to the mayor of said city, and for neglecting so to do shall be considered guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay a sum of fifty dollars, to be recovered for the benefit of said city. Physicians.

SECTION 22. All acts and parts of acts conflicting with or in any manner inconsistent wtih the provisions of this act, and chapter three hundred and eighty-one of the private and local laws of 1871, entitled An act to consolidate and amend chapter two hundred and seventy-seven of the private and local laws of 1857, entitled An act to incorporate the the village of Waupun and the several acts amendatory thereto, together with the original acts of which the said act was amendatory, are hereby repealed. Repealed.

SECTION 23. This act shall take effect and be in force from and after its passage.

Approved March 15, 1878.

[No. 348, A.] [Published March 16, 1878.]

CHAPTER 196.

AN ACT to provide for the improvement of streets by the common council of the city of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Whenever any remonstrance shall be presented to the common council of the city of Milwaukee, as provided in section thirty of chapter one hundred and forty-four, laws of Wisconsin for 1875, no action shall be taken by said council upon the resolution to which such remonstrance shall relate, unless within two weeks after the presentation of such remonstrance a majority of all the residents of said city owning lots or parts of lots fronting on the improvement proposed to be ordered, shall petition for the adoption of said resolution, and unless all the aldermen representing the ward or wards in which such improvement is proposed to be made shall concur in such petition, and shall certify that the public interest requires such improvement to be made, in which case said common Mode of action upon remonstrances.

council may proceed to determine the necessity of such improvement, and to order or refuse to order such improvement to be made in the same manner and on the same conditions as if such remonstrance had not been presented.

Continuation of street improvements.

SECTION 2. Whenever the improvement of any street in said city has been previously completed in any ward to within three blocks of any occupied dock or warehouse, and the board of public works, together with the aldermen representing said ward, shall respectively concur in testifying that an urgent public necessity exists for completing the improvement of such street either for the protection of the health of said city or because of the public demand for more convenient and practicable means of access to such dock or warehouse, then and in that case it shall be lawful for the common council of said city to order the improvement of such street to be completed without the petition provided for in the preceding section of this act. The expenses of said improvement to be charged, certificates issued, and paid for as now provided by the charter of said city.

Repealed.

SECTION 3. All acts or parts of acts conflicting with this act, are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1878.

[No. 147, S.] [Published March 27, 1878.]

CHAPTER 197.

AN ACT relating to the release of dower in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Release of dower.

SECTION 1. A married woman may, by separate deed of conveyance or quit claim, release her dower to any lands of her husband which he has conveyed voluntarily or upon execution, judgment of foreclosure or decree of court.

Repealed.

SECTION 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 15, 1878.

[No. 96, S.] [Published March 25, 1878.]

CHAPTER 198.

AN ACT to appropriate to Robert Parkin a sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated to Robert Parkin, out of any money in the general fund not otherwise appropriated, the sum of one hundred and twenty-one dollars, as extra pay for services as a soldier in the late war, as originally contemplated by chapter one hundred and seventeen, laws of 1864. Appropriation.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 15, 1878.

[No. 213, S.] [Published March 19, 1878.]

CHAPTER 199.

AN ACT authorizing the counties, cities, villages, and towns of this state to refund their indebtedness.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The present bonded indebtedness of any county, city, village or town in this state may be paid up or retired by the issuance of bonds of the same amount by the constituted and statutory authorities having charge and power, by law, over the interests of the bond payers: *provided, however*, and only when such existing bonds can be retired or paid by the substitution of money realized by such issuance of new bonds in the place and stead of existing bonds, bearing a rate of interest not exceeding that of the bonds so authorized to be retired or paid. Manner in which bonds may be retired.

SECTION 2. In case any holder of existing bonds shall be willing to surrender bonds of any county, city, village or town, and accept in their place and stead other bonds at the same or a lower rate of interest, exchanging said existing bonds for such new bonds at a par value of each, then the constituted and statutory authorities of any such county, city, village or town prescribed in the first section of this act, may, in their Payment may be extended.

discretion, make such exchange by the retiring of such existing bonds and the substitution and issuance therefor of such new bonds, and may extend the date of payment of such substituted bonds, for a period not exceeding ten years beyond the time when the principal of such existing bonds, so surrendered, would have become payable: *provided*, that no such extension shall be for more than twenty years from the time such debt was created, except in case of bonds issued prior to November 1, 1874.

New bonds may be issued.

SECTION 3. Whenever any bonds of any county, city, village or town shall become due and payable, or in anticipation thereof, the constituted or statutory authorities having the power, by law, over the interests of bond-payers, may, in their discretion, cause to be issued, in proper form, new bonds having not more than twenty years to run. All bonds which may be issued under the provisions of this act, shall first be offered for sale within the county, city, village or town issuing them, for a period of thirty days; notice of such sale shall be by advertisement in a newspaper printed in such county, city, village or town, if one be printed therein, and if not, then by advertisements posted in at least five public places in such county, city, village or town. The terms of sale of such bonds shall be, that to the person bidding the highest sum, not less than par, and offering to accept the lowest rate of interest for the whole or any part of said bonds, the the said bonds, in whole or in part shall be issued. If the bonds so offered for sale shall not have been sold as authorized by this act, or if any portion of them shall remain unsold at the expiration of thirty days, such bonds so remaining unsold may then be disposed of by the statutory authorities in such manner as in their judgment will be for the best interests of the bond-payers, but in no case shall new bonds be sold except at a rate of interest as low as that borne by the bonds for which the new bonds are to be exchanged. Such new bonds shall bear date and draw interest from the date of the payment of the bonds so retired, and shall be made payable at some stated place within the state of Wisconsin, and shall be of denominations not exceeding one hundred dollars, nor less than twenty-five dollars.

Sale of bonds.

Application of moneys.

SECTION 4. The moneys arising from the sale of new bonds, as provided in the foregoing section, shall be applied to the payment and satisfaction of the bonds then becoming due and payable.

SECTION 5. The principal and interest of all bonds authorized to be issued pursuant to the provisions of this act shall be paid in the lawful money of the United States. Lawful money.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1878.

[No. 481, A.] [Published March 26, 1878.]

CHAPTER 200.

AN ACT for the protection of game in St. Croix county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. No person shall catch, kill, or otherwise destroy any grouse, prairie hen or chicken, partridge, ruffed grouse or quail, within the territory of St. Croix county, except between the first day of October and the fifteenth day of November in each and every year, under a penalty of ten dollars for each grouse, prairie hen or chicken, partridge or ruffed grouse or quail, caught, killed or otherwise destroyed, or had in possession, or otherwise exposed for sale, within the limits of said county. Unlawful to take game within certain periods.

SECTION 2. All penalties imposed by the provisions of this act may be recovered, with costs of action, and paid over in the manner prescribed by chapter three hundred and twenty-nine of the general laws of the state of Wisconsin for the year 1874. Recovery of penalties.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1878.

[No. 414, A.] [Published March 26, 1878.]

CHAPTER 201.

AN ACT to authorize the town of Two Rivers, in the county of Manitowoc, to hold its elections and transact its business in the city of Two Rivers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authority for holding elections in city.

SECTION 1. The electors of the town of Two Rivers, in the county of Manitowoc, are authorized to hold the general elections, and the annual town meetings, for said town, at such place in the city of Two Rivers as shall be designated by the board of supervisors of said town for that purpose.

Designation of polling place.

SECTION 2. The board of supervisors of said town may, at least ten days before the next annual town meeting, designate some place in said city of Two Rivers at which the next annual town meeting for said town of Two Rivers shall be held, and post up notices in three or more public places in said town, describing the place so fixed for holding such town meetings. And thereafter, all general elections and annual town meetings for said town shall be held at the place so fixed: *provided*, the said town board may, by a like order made and notice thereof given at least ten days before any general election or town meeting for said town, fix some other place, either in said city of Two Rivers, or in said town, for holding such elections or town meetings. And after such order so made and posted, the said general elections and town meetings for said town, shall be held at the place so last fixed, until changed in like manner. The elections and town meetings for said town, held at any place so fixed for holding the same in said city of Two Rivers, shall be as lawful and binding as though held at some place in the said town of Two Rivers.

Town board may transact town business within city.

SECTION 3. The town board of supervisors of the town of Two Rivers may meet for the purpose of transacting any of the business of the town of Two Rivers at any place in the city of Two Rivers, which may be designated by them for that purpose, and for the transaction of any business authorized to be transacted by said town board, or by said supervisors, but said board shall first give notice as provided in section two of this act, of the place so designated by them for the transaction of such business.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1878.

[No. 351, A.] [Published March 26, 1878.]

CHAPTER 202.

AN ACT to amend section one of chapter two hundred and fifty-seven of the private and local laws of 1871, entitled An act to provide for the laying out of a state road from the town of Marinette, in the county of Oconto, to Big Suamico, in the county of Brown.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of said act is hereby amended by substituting in the second line of said section the name of William Baptist, in place of the name of H. J. Thompson, so that said section, when amended, shall read as follows: Section 1. A. C. Brown, W. A. Ellis, R. A. Jones, William Baptist and Charles Wendross, of said Oconto county, are hereby appointed commissioners to lay out and establish a state road from the town of Marinette, in the county of Oconto, to the town of Big Suamico, in the county of Brown. **Amended.** **Commissioners**

SECTION 2. The acts of the commissioners thus far in laying out said state road in pursuance of said act are hereby declared to be legal and valid; and, whenever a plat of the surveyed line of said road shall be recorded in the office of the register of deeds of the county of Oconto, with the ratification and approval of a majority of the commissioners therein, said survey shall be, and is hereby declared to be, legal and valid for all the purposes of said act, any law to the contrary notwithstanding. **Legalized.**

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1878.

[No. 406, A.] [Published March 26, 1878.]

CHAPTER 203.

AN ACT to provide for laying out, establishing and building a state road from the city of Centralia, in the county of Wood, to Knowlton, in the county of Marathon.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Commissioners

SECTION 1. George Runkel, Patrick Meehan, and R. B. Whitehouse are hereby appointed commissioners to lay out, establish, grade and build a state road from the city of Centralia, in the county of Wood, through Runkel's Mills Station, on the line of the Wisconsin Valley Railroad, to intersect the main traveled road from Wausau to Steven's Point, at some practical point in the town of Knowlton, in the county of Marathon.

Survey.

SECTION 2. Said commissioners shall make a survey and plat of said road, and shall cause a copy of the notes of said survey and of said plat to be filed and recorded in the office of the town clerk of each town through or into which said road shall be located and established.

Construction of road.

SECTION 3. Said commissioners shall have power to employ men and teams, and lay out and expend for the purpose of building said state road and putting the same in good passable condition, such sum or sums as may be necessary, not exceeding in any one town the drainage fund of said town.

Expense of work.

SECTION 4. The expenses of laying out, establishing and constructing said road shall be paid by the several towns through or into which said state road shall run, in proportion to the number of miles of said state road in such town.

Drainage fund appropriated.

SECTION 5. The drainage fund at present in the hands of the treasurers of the several towns through which said road may be located, and such portions as may hereafter be apportioned to said towns, shall be set apart and appropriated to the building of said road, and for no other purpose, until the said road shall be put in good passable condition.

Monthly detailed statement to be made.

SECTION 6. The said commissioners shall make, each month, a report in detail, under oath, of the amount expended, to whom and for what specific work paid, and of the progress of the work in each town, and the chairman of the town board of the town in which such work is done, shall thereupon draw an order upon the

treasurer of said town for the amount expended, to be paid by said treasurer out of the drainage fund of said town.

SECTION 7. Said commissioners shall each receive two dollars per day for the time actually and necessarily spent by them in laying out, establishing and building said state road, which sum shall be in full for all services so rendered by them. Compensation of commissioners.

SECTION 8. This act shall take effect and be in force from and after it passage.

Approved March 15, 1878.

[No. 372, A.] [Published March 26, 1878.]

CHAPTER 204.

AN ACT to provide for the laying out of a state road from Ahnapee, Kewaunee county, to intersect the Green Bay and Sturgeon Bay state road, in the town of Nasawaupee, Door county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That C. L. Fellows, W. H. Warren and John Ihlenfeldt be, and they are hereby appointed commissioners to lay out and establish a state road, commencing at a point where the town line between 25-25 and 25-26 intersects with the Ahnapee and Clay Banks road, in Kewaunee county; thence north on the town line between 25-25 and 25-26, Kewaunee county; thence north on the town line between townships 26-25 and 26-26, 27-25 and 27-26, until the same intersects with the Green Bay and Sturgeon Bay state road, in Door county. Commissioners

SECTION 2. Any two of said commissioners shall form a quorum for business, and shall be entitled to such compensation for laying out said road as the boards of supervisors of the respective counties through which such roads may pass, may deem sufficient: *provided*, that no compensation shall be allowed for laying said road over any road that may have been heretofore established: *and further, provided*, that said road shall be laid out in accordance with the state laws in relation to state roads. Quorum and compensation of commissioners. State laws to apply.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1878.

[No. 24, S.] [Published March 28, 1878.]

CHAPTER 205.

AN ACT for the improvement of the public highways.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Bonds may be required.

SECTION 1. The trustees of any incorporated village, or the board of supervisors of any town, may, and are hereby authorized to require of the street commissioners or overseers of highways, bonds for the faithful performance of their duties as such street commissioners or overseers of highways.

Street commissioner, etc., shall give bond if required.

SECTION 2. Every street commissioner or overseer of highways, when, by resolution the village board of trustees or town board of supervisors, shall require the same, shall, before entering upon the duties of his office, file his oath of office and execute a bond, in the same manner that town treasurers are now required by law to execute, and the same shall be placed on file in the office of the village or town clerk, as the case may be.

Accounts.

SECTION 3. The street commissioner, or overseer of highways shall be provided with a book or memorandum by the village or town clerk, in which he shall keep an accurate account of all moneys coming into his hands by virtue of his office, the amount received and disbursed by him, the name of every person from whom money or labor is due, the amount paid in money or labor, and a correct account of all receipts and expenditures by him transacted as street commissioner or overseer of highways. The book containing the account so kept shall, at all times when required, be furnished for the inspection of the board of trustees, or town board of supervisors, and ten days before the expiration of his term of office, shall be handed to the village clerk or town clerk, to be filed in his office for the inspection of any tax-payer in his district.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 15, 1878.

[No. 181, A.] [Published March 26, 1878.]

CHAPTER 206.

AN ACT to amend and extend an act entitled "An act to incorrate the Apple River Log Driving Company," approved March 6th, 1868.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter four hundred and thirty of the private and local laws of this state for 1868, is hereby amended by striking out of said section the words "ten years," and inserting in lieu thereof the words "twenty years," and the said act and the rights, privileges and franchises thereby conferred, or which may have been acquired or become vested thereunder and under the acts amendatory thereof, are hereby confirmed, continued and extended for the period of ten years, or until the first day of July, 1888: *provided*, that the said company shall, within sixty days from and after the passage and publication of this act, duly execute in its corporate capacity, and file in the office of the clerk of the circuit court, in and for the county of St. Croix, an instrument designating and appointing an agent or attorney resident in said county and authorizing said agent or attorney to accept service of process for said corporation in all suits and cases against said corporation, and said company shall at all times during the existence of its charter keep an agent or attorney as in this proviso required, and all services of summons or other process upon such agent or attorney shall be held and deemed to be a good and valid service upon said corporation for the purpose of giving the courts of Wisconsin jurisdiction over the same.

Amended.

Franchises continued and extended.

Appointment of agent or attorney.

SECTION 2. Section eleven of said chapter four hundred and thirty is hereby amended so as to read as follows: Section 11. The said Apple River Log Driving Company is hereby authorized and empowered to receive and take possession of all logs or timber coming down or driven down the said Apple river or any of its tributaries, at the several points in the following section named, and drive all such logs and timber down said river to the mouth thereof, and at all times after receiving possession as aforesaid, shall be deemed to continue in and be entitled to the absolute, entire and exclusive possession of such logs or timber wherever the same may be, until all fees for driving and costs, charges and preferred liens thereon are fully paid, and

Amended.

Powers of company.

Possession.

the said log driving company may be and is hereby authorized to demand, receive, levy, sue for, recover and collect from the owner or owners of all such logs or timber the prices per thousand feet hereinafter prescribed for all logs and timber that may be driven by said company, and the same shall be due and payable as follows, one-half when they reach the west line of section twenty-eight in township thirty-one north, range nineteen west; and the other half when said logs shall have reached the St. Croix boom. And the same shall be and remain a lien upon all such logs, and also of all logs of the like mark, cut the preceding logging seasons wherever the same may be, until the amounts for driving due upon said logs are fully paid and satisfied; and if the said amount is not fully paid within ten days from and after a majority of the said logs shall have passed into the said St. Croix boom, then the said company may assume possession of said logs or any of the same wherever the same may be, and may demand and recover the same from any boom or other place, and may proceed to sell the same at public auction by posting up a notice of the time and place of such sale in the office of the surveyor general of the first timber district of Minnesota, ten days before the time thereof, and publishing a like notice in some weekly newspaper, printed and published in the city of Hudson, county of St. Croix, Wisconsin, once in each week for two successive weeks prior thereto, and out of the avails of such sale to retain sufficient to pay the amount due from said driving, with interest, and all costs of taking possession of, keeping, caring for and selling the same, and of the overplus, if any, to turn over to the owner of such logs, and if he be not certainly known, then to be deposited in the office of the clerk of the circuit court of St. Croix county, Wisconsin, for the benefit of such owner.

Lien.

Limitation of tolls.

SECTION 3. The said company shall not charge for driving logs, boomed in Blake's Lake, more than one dollar and fifty cents per thousand feet, and shall drive logs boomed in Big round Lake at the same price, and shall drive logs boomed in Bone Lake for one dollar and sixty cents per thousand feet, and the gates in the dam authorized to be maintained in said company shall not be shut down in any year between the fourth day of July and the first day of September.

Length of logs to be driven.

SECTION 4. No logs shall be cut for the purpose of being driven down said Apple river of greater length than fifty feet, nor into Bone or Blake's lake for such

purpose of greater length than thirty-two feet: *and provided*, if logs of greater length shall be driven to such points without the consent of said company first obtained in writing, said company may, at its option, leave the same at any point on said river and collect as for the same driven to the said point near the mouth of Apple river, or it may drive the same and charge double the foregoing rates for such driving. All the logs to be so driven shall be scaled in the woods by the surveyor-general of the fourth lumber district of Wisconsin, whose certified scale bill shall be final and conclusive between the parties, the costs of such scaling to be borne by said company, and the fees for driving shall be computed from such scale; *and provided further*, that all the tolls for sluicage at any dam now chartered or that may hereafter be chartered by the legislature of the state of Wisconsin shall be paid by the parties owning the logs and lumber against which such sluicage may be charged, and the said company may collect the same, should it so elect, at the same time and manner it is authorized to collect for driving as aforesaid: *provided, however*, that nothing herein contained shall be construed as authorizing said company to charge fees for driving logs which they have not actually driven.

Scaling of logs.

Tolls for sluicage.

SECTION 5. In case said company, for the purpose of its organization and operation, shall need to occupy or cause the overflow of any land, or damage any property belonging to another, the said company may acquire by purchase the right to occupy, flow, use and enjoy any such land or property; and if the said company, in any case, shall be unable to agree with the owner upon the terms of such purchase, or upon the compensation and damages to be paid for the occupation, overflow, or right to occupy and overflow any such land or any interest therein, the said company may have any such land or any interest therein condemned or taken for its use and benefit in the manner following: The judge of the circuit court for the county in which said property is situated, shall, upon the petition of said company containing a description of the land or other property or any interest therein so sought to be acquired or condemned, appoint three disinterested freeholders, resident in said circuit, as commissioners to ascertain, adjudge and determine the value of the land or property so taken or proposed to be taken, or any interest therein, and the damage which the owner thereof sustained by reason of such

Possession of overflowed lands, how acquired.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1878.

[No. 250, S.] [Published March 26, 1878.]

CHAPTER 207.

AN ACT to amend chapter four hundred and fifty-two of the private and local laws of Wisconsin for 1869, entitled an Act to incorporate the Nomakagon and Totogatic Dam Company, and the several acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section eleven of chapter four hundred and fifty-two of the private and local laws of 1869, as amended by chapter one hundred and sixty-four of the private and local laws of 1870, and by chapter four hundred and five of the private and local laws of 1871, and by chapter four hundred and five of the laws of Wisconsin for 1876, and chapter one hundred and twenty-four of the laws of Wisconsin for 1877, is hereby amended so as to read as follows: Section 11. Said company, for the purpose of improving the several streams and rivers hereinafter mentioned, and the navigation thereof, is hereby authorized and empowered to construct three several dams across the Namakagon river as follows, to wit: One at such point as may be deemed necessary in town forty-three, range six; another at such point as may be deemed necessary in town forty-one, range eight; and another at such point as may be deemed necessary in town forty-one range ten; also a dam across the Totogatic river at such point as shall be deemed necessary in town forty-two or forty-three, range twelve; also a dam across the Eau Claire river at such point as shall be deemed necessary in town forty-four, range ten; also a dam across the St. Croix river at such point as shall be deemed necessary between the mouth of the Eau Claire river and the mouth of the Moose river; also four several dams across the Yellow river, as follows: One at such point as shall be deemed necessary in town forty, range sixteen; another at such point as shall be deemed necessary in town thirty-nine, range fourteen; another at such point as shall be deemed necessary in town

Dams authorized to be constructed.

thirty-eight, range thirteen; another at such point as shall be deemed necessary in town thirty-nine, range twelve; also a dam across the Clam river at such point as shall be deemed necessary, in town thirty-nine, range sixteen; also to construct or purchase a dam across the Moose river in town forty-five, range thirteen; also, at the option of said company, to construct and maintain three or more dams at such points as shall be deemed necessary across the Sawyer Brook, in town thirty-eight, and to improve the channel of said Sawyer Brook, so as to make the same, with the aid of such dams, navigable for log driving purposes, for the purpose of driving logs and other timber on said rivers, and to keep and maintain said dams for the term of fifteen years: *provided*, said company shall keep the gates and sluiceways of each and all its said dams, except the said dam on the Eau Claire river and the dam on the Namakagon, in town forty-three, range six, open from the twentieth day of July until the fifteenth day of October of each year, so as to allow the free and unobstructed passage of the waters of each of said rivers, through the same, as fully and completely as though said dams and each of them had not been erected; and it shall be unlawful for said company to dam up or obstruct the free passage of the waters of either of said rivers, except the Eau Claire and Namakagon, during either of the said months; and in case of a violation of the provisions of this section, the person so offending shall be liable to pay a penalty of one hundred dollars, to be recovered in an action, in the name of the state, for each day during which the free passage of the waters of either of said rivers shall be so obstructed.

SECTION 2. Section thirteen of said chapter four hundred and fifty-two, as the same is amended by said chapter one hundred and sixty-four, and by said chapter four hundred and five, and by said chapter one hundred and twenty-four, is hereby amended to read as follows: Section 13. Whenever the waters retained by any or either of the dams hereby authorized to be constructed shall be needed or required by any person or persons to be used in sluicing or driving logs or timber down the river upon which the dam from which the water so required is situated, said company shall permit the use of so much thereof as the superintendent of such dam shall deem necessary: *provided*, the owner or owners of the logs so requiring such water, **Amended.** **Use of water.**

his, her or their agent thus driving said logs, shall give to the superintendent of such dam written notice of the want of such water three days prior to the time the same is required; *and provided, further*, that no owner or owners of logs, his, her or their agent, shall be entitled to give such notice and require such water until the rear of the drive of their said logs shall be within the flowage of said dam; *and provided, further*, that if, when the water so held by any or either of said dams is being used in the driving or sluicing of logs or timber, any other drive of logs or timber comes into the flowage of such dam, the superintendent of such dam shall have the right to shut the gates of such dam and retain the water running therein for such reasonable time as will enable the owner or owners of the drive so coming into such flowage, his, her or their agent, with due diligence, to get their logs or timber to said dam to be sluiced; but the superintendent of such dam shall not be required to close the gates thereof and hold the water therein, unless the drive so coming into such flowage shall contain at least 500,000 feet of logs or timber, if the drive or drives then using such water contains 2,000,000 feet of logs, or more; *and provided, further*, that no owner or owners of logs or timber, his, her or their agent, having logs in the flowage of any or either of said dams, that could, with reasonable diligence, have been sluiced or driven at any prevous time in that or any previous year, shall have the right to demand or require the use of the water of any or either of said dams as hereinbefore provided, when the same is or may be required in the sluicing or driving of any other drive of logs, either above or below said dam, which could not, with reasonable diligence, have been sluiced or driven before: *and provided, further*, that the person or persons requiring the use of the water of any or either of said dams, shall, at their own expense, furnish help sufficient to raise or shut the gates of such dam, as the case may be; *and provided, further*, that no owner or owners of logs shall be entitled to the use of the water retained by any or either of said dams, to enable him or them to get any drive of logs or timber through any thoroughfare above such dam, when the use of such water for such purpose will, in the judgment of the superintendent of such dam, in any way interfere with the sluicing or driving of any other drive of logs or timber on said stream, either above or below said dam; and the said company, as compensation for the im-

provement of said several streams and rivers, herein mentioned, and of the navigation thereof, in the manner herein provided are hereby authorized and empowered to demand, receive, levy sue for, recover and collect tolls at the following rates, to wit: On all logs or timber hauled into the St. Croix river or coming into the same from any of its tributaries, between east line of range seventeen, and the points on said river where the range line, between ranges thirteen and fourteen, crosses said river, after the building of the dam on said St. Croix river first specified herein, fifteen cents per thousand feet, board measure, in addition to any toll or tolls hereinafter provided for, as compensation for the use of the dams upon such tributaries, and on the logs or timber hauled into said St. Croix, or coming into the same from any of its tributaries above said last mentioned point, after the building of said last mentioned dam, the sum of twenty cents per thousand feet, board measure, excepting the logs coming into said St. Croix river out of the Eau Claire river; and upon all logs or timber coming into said St. Croix river out of the Eau Claire river, after the building of said last mentioned dam, the sum of forty cents per thousand feet, board measure; on all logs or timber hauled into the Totogatic or coming into the same from any of its tributaries, after the building of the dam on said river, as herein provided, twenty cents per thousand feet board measure, on all logs or timber hauled into the Namakagon river or coming into the same above where the range line between ranges eight and nine crosses said river after the building of the dams on said streams as herein provided, twenty-eight cents per thousand feet, board measure; and for all logs hauled into said river or coming into the same from any of its tributaries below said last mentioned point, after the building of said dams, twenty-two cents per thousand feet, board measure; on all logs hauled into the Yellow river or coming into the same from any of its tributaries, after the building of the four several dams herein specified, as follows: Upon all logs so coming into said river between its mouth and the point where the section line between sections twenty-six and twenty-seven, in town thirty-nine, range fourteen, crosses said river, twenty cents per thousand feet; upon all logs so coming into said river between the last mentioned line and the point on said river where the west line of section ten in town thirty-eight, range thirteen, crosses said river, thirty cents per thousand

Tolls.

feet, board measure; upon all logs or timber so coming into said river, above the last mentioned line, forty cents per thousand feet; on all logs hauled into Clam river or coming into the same from any of its tributaries, after the building of the dam on said streams herein specified, the sum of twenty cents per thousand feet, board measure; upon all logs or timber hauled into said Moose river or coming into the same from any of its tributaries, after the building or purchase of the dam upon said river herein provided for, the sum of fifteen cents per thousand feet, board measure, and upon all logs or timber coming into or hauled into said Sawyer brook after the building of the dams thereon and the improvement of the channel thereof, as herein provided, the sum of thirty cents per thousand feet, board measure, in addition to any toll hereinbefore provided for, upon logs coming into the Yellow river out of said Sawyer brook. And the said company is hereby authorized and empowered to demand and receive the said tolls before it shall be required to permit the use of the water retained by any or either of said dams for the purpose of sluicing or driving any logs or timber on any of said rivers, and in case any logs or timber is sluiced or driven down said rivers, or any or either of them, with the consent of said company, or otherwise, without the toll thereon having first been paid, the said tolls shall be and remain a lien upon all said logs or timber, bearing the same mark, until the said toll is paid, which said lien shall take precedence of any and all other liens upon said logs, except liens for labor, and the said company is hereby authorized to seize and take possession of said logs or timber wherever the same may be, and in whosesoever possession the same may be, and to sell at public vendue, in the county where the same are seized, sufficient thereof to pay said tolls and the costs and expenses of such seizure and sale. At least two weeks' notice of such sale shall be given by publishing the same for two weeks in some newspaper published in said county, or, if no newspaper be published therein, by posting such notice in three public places in said county, and by mailing a copy of said notice to the person or persons in whose name the marks upon said logs is recorded, in the office of the inspector of the fourth lumber district, directed to him or them, at his or their place of residence, if known, and if not known, then by depositing said notice with the inspector of said district, which mailing or depositing shall be done at

Lien.

least two weeks before such sale; said notice shall state the marks upon said logs, the amount of toll due thereon, and the time and place of sale. The lien hereby given may also be enforced in the same manner and with like effect as liens for labor upon logs, as provided in chapter one hundred and fifty-four of the general laws of 1862, and the acts amendatory thereof, which said law and the several acts amendatory thereof, are hereby made applicable hereunto, except that the statement of the debt or demand therein required to be filed in the office of the clerk of the circuit court, may be filed at any time prior to the first day of October, in the year in which the last sluicing or driving of said logs or timber shall have been done. The owner or owners of any logs or timber sluiced or driven down any of the rivers mentioned herein, shall be liable for the toll thereon, and any person having a mortgage upon any such logs at the time the same are sluiced or driven, who shall afterwards sell or take possession of said logs by virtue of said mortgage, shall thereby become liable for the toll due thereon, and said company is hereby authorized to sue for and recover the same from such mortgagee.

SECTION 3. Section fifteen of chapter four hundred and fifty-two, of the private laws of 1869, is hereby amended by inserting after the word "court," in the sixty-eighth line of said section, the words "or the circuit judge of said circuit." **Amended.**

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1878.

[No. 84, S.] [Published March 27, 1878.]

CHAPTER 208.

AN ACT relating to booms on the Wisconsin river.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All persons, companies, associations and corporations owning, operating or maintaining any boom or booms on the Wisconsin river, in this state, are hereby required to keep open through such boom, in the main or other suitable channel of said river, a free passage in conformity to the law authorizing such **Free channel.**

boom, for the passage of logs, rafts, timber and lumber and other materials being run or driven down said river, and to provide suitable sorting works, and when needed, to keep upon the same a sufficient force of men at the expense of such person, company, association or corporation, to sort and pass through such boom any drive of logs, rafts, timber or other floating material, destined to any point below such boom, without unreasonable delay.

Liability of corporation.

SECTION 2. Whenever any logs, timber, lumber or other material being driven or floated down said river, and destined to a point below any such boom, shall be unreasonably detained by or on account of such boom, or shall escape into such boom without the fault of the owner, or of the person in charge of the drive or fleet to which the same may belong, and the owner or persons in charge of said boom shall not pass the same out so that the same can accompany such drive or fleet of lumber down said river, the person or persons, company, association or corporation owning or operating such boom, shall be liable to the owners of such logs, timber, lumber or other material so detained in or by said boom, in damages in a sum equal to the value thereof to the owner thereof.

Duty of boom company.

SECTION 3. It is hereby made the duty of each and every boom company, and person authorized to keep and maintain a boom or booms in said river, to at all times keep the passage through or by such boom or booms as authorized by its charter for the use of the public, free and clear of all obstructions to the navigation thereof, and for the purpose thereof such company, companies, person or persons, may in its or their own name, commence and prosecute for that purpose any and all suits necessary at law or in equity, and shall have any and all remedies or actions, public or private therefor, that may be now given or existing at law or in equity, for such purpose or purposes, without alleging or showing any special injury resulting therefrom to it or them, or any other person, and such company, companies or persons are also authorized and empowered to summarily remove any and all such obstructions.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1878.

[No. 457, A.] [Published March 25, 1878.]

CHAPTER 209.

AN ACT to repeal chapter three hundred and twenty-nine of the laws of Wisconsin for 1876, entitled "An act to authorize the county of Burnett to build and maintain a free bridge across the St. Croix river, in town thirty-eight north, of range twenty west;" also, chapter two hundred and thirty-nine, of the laws of Wisconsin for 1877, amendatory thereof, entitled "An act to amend section one, chapter three hundred and twenty-nine, laws of Wisconsin of 1876, entitled 'An act to authorize the county of Burnett to build and maintain a free bridge across the St. Croix river, in township thirty-eight north, range twenty west.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter three hundred and twenty-nine, laws of Wisconsin for 1876, entitled "An act to authorize the county of Burnett to build and maintain a free bridge across the St. Croix river, in town thirty-eight north, of range twenty west, and chapter two hundred and thirty-nine, laws of Wisconsin for 1877, amendatory thereof, entitled, 'An act to amend section one, chapter three hundred and twenty-nine, laws of Wisconsin of 1876, entitled 'An act to authorize the county of Burnett to build and maintain a free bridge across the St. Croix river, in township thirty-eight north, range twenty west,'" are hereby repealed. Repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1878.

[No. 253, A.] [Published March 27, 1878.]

CHAPTER 210.

AN ACT to legalize the annual town meeting of the town of Liberty, Outagamie county, Wisconsin, for the year 1877.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The annual town meeting of the town of Liberty, Outagamie county, Wisconsin, for the year 1877, and all the acts and proceedings of said town meeting, and all the official acts and proceedings of the officers elected at said town meeting, are hereby legal- Legalized.

[No. 211, S.] [Published March 16, 1878.]

CHAPTER 214.

AN ACT to amend sections thirty-one and thirty-two of chapter fifty-six, of the general laws of 1870, entitled "An act to provide for the incorporation and government of fire and inland navigation insurance companies."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

Fees.

SECTION 1. Section thirty-one of chapter fifty-six of the general laws of 1870, is hereby amended so as to read as follows: Section 31. There shall be paid by every company, association, person or persons, or agent, to whom this act shall apply, the following fees: For filing the declaration or certified copy of charter herein required, the sum of twenty-five dollars; for filing the annual statement required, twenty-five dollars; for each certificate of authority to agents of all companies doing business within this state, one dollar; for every copy of paper filed in his office, fifteen cents per folio, and for affixing the seal of said office and certifying to the same, fifty cents. In case two or more companies shall combine to effect insurance under a joint policy or policies, each and every company thus combining shall pay the fees provided herein, the same as if each and every one wrote separate policy or policies.

Amended.

Department of insurance created.

SECTION 2. Section thirty-two of chapter thirty-six of the general laws of 1870, is hereby amended so as to read as follows: Section 32. For the purpose of carrying into effect a more thorough supervision and examination of the affairs of all insurance companies doing business in this state, there is hereby established a distinct department of insurance within ten days after ter the passage and publication of this act. The governor by and with the consent of the senate, shall appoint some person who is suitably qualified, a commissioner of insurance, who shall hold his office for the term of two years from the first Monday of April in the year in which he is or shall hereafter be appointed, and until his successor shall be appointed and qualified, unless sooner removed for cause by the governor. Before entering upon his duties, such commissioner of insurance shall take and subscribe an oath of office to be filed with the secretary of state, and he shall also execute a bond to the state of Wisconsin for the penal

sum of twenty thousand dollars, with two or more sufficient sureties, conditioned for the faithful performance of his duties, which bond when approved by the governor, shall be deposited with the state treasurer. Said commissioner of insurance shall have an official seal, and shall employ such clerical and other assistance as he shall deem necessary, and at such expense as he shall determine; to maintain and keep such department, and to enable him to take charge of and conduct, or cause to be conducted, all examinations of the business and affairs of such insurance companies that are or may be required by law, and generally to exercise such supervision and control over insurance companies doing business in this state as the law may require: *provided*, that the whole amount of expenses of such department, in each year, shall not exceed the amount of fees paid by insurance companies during such year: *and provided*, that such expenses, including compensation of commissioner, in no one year shall exceed the sum of thirty-five hundred dollars: *and provided further*, that the amount of all fees over and above thirty-five hundred dollars, received from fire and life insurance companies, by virtue of any existing law of this state, shall be paid over by the commissioner of insurance to the state treasurer, and go into the general fund. A statement of the receipts and disbursements of his office shall be included in the annual report of said commissioner of insurance.

Amended.

SECTION 3. Section thirty of chapter fifty-six of the general laws of 1870, is hereby amended so as to read as follows: Section 30. Whenever examinations shall be made of any insurance company by the commissioner of insurance, personally, or by one or more of the clerks of said department, no charge shall be made on such examination but for necessary traveling and other actual expenses, and all charges for making examinations of any insurance company, and all charges against any company by an attorney or appraiser of this department shall be presented in the form of an itemized bill, which shall first be approved by the said commissioner and then audited by the secretary of state, and paid on his warrant, drawn in the usual manner upon the state treasurer, to the person or persons making such examination; and the company examined, on receiving a certified copy of said bill of charges, as audited, and paid by the secretary of state, shall repay the amount of the same to the state treasurer to replace the money drawn out, as above provided for, and no com-

Examination of companies.

pany examined shall, either directly or indirectly, pay by way of gift, gratuity or otherwise, any other or further sum to said commissioner or examiners for services, extra services, or for purposes of legislation or on any other pretense whatever. Said commissioner, examiner, or any officer, clerk or other employe, of any insurance company, violating the provisions of this section, shall be guilty of a misdemeanor. Said commissioner of insurance, in his discretion, shall not be required to make an examination of such companies, organized outside of this state, in states where, under the laws thereof, they are similarly supervised by and under the proper officer, as in such laws provided; and such officer shall furnish, whenever required to do so by the commissioner of insurance, a certificate and statement exhibiting the solvency of such company. The secretary of state shall deliver to the commissioner of insurance all books, records and papers in his office relating to the subject of insurance to be kept and preserved by said commissioner in his office.

Stationery and office accommodations.

SECTION 4. The superintendent of public property is hereby directed to provide the commissioner of insurance with suitable accommodations in the capitol, for office purposes, and also to furnish him such stationery as he may need in the performance of his duties, and he shall be furnished with necessary postage and blanks in the same manner as other state officers are furnished.

SECTION 5. This act shall take effect from and after its passage and publication.

Approved March 12, 1878.

[No. 205, S.] [Published March 18, 1878.]

CHAPTER 215.

AN ACT relating to the charter of the city of Portage, and amendatory of chapter one hundred and twenty-two of the laws of Wisconsin of 1876.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amendment.

SECTION 1. Section seven of chapter three, of chapter one hundred and twenty-two of the laws of Wisconsin of 1876, is hereby amended, by inserting after the word "clerk," the word "treasurer."

SECTION 2. Section eleven of chapter seven, of chapter one hundred and twenty-two of the laws of Wisconsin of 1876, is hereby amended so as to read as follows: Section 11. The city treasurer, upon the receipt of such certificate copy of the tax list, shall proceed to collect the same and in like manner, and shall have like power and be subject to like requirements, liabilities and restrictions as town treasurers, except as otherwise provided in this act. The salary of the treasurer shall not exceed four hundred dollars per annum, and shall be payable semi-annually. All taxes may be paid to the treasurer before the first of January in each year without any addition thereto for treasurer's fees. The taxes paid after the first of January, five per cent. treasurers' fees shall be added thereto, which fees when collected shall be paid into the treasury of the city for the benefit of the general fund.

Amended.

Collection of taxes.

SECTION 3. Chapter eight, of said chapter one hundred and twenty-two of said laws of Wisconsin of 1876, is hereby amended by adding thereto another section which shall read as follows: Section 5. The common council shall have power to organize sack companies to consist of not more than thirty members each. Such companies shall constitute a part of the fire department, and at fires shall be subject to the control of the chief engineer. The members of said companies, either collectively or individually, are hereby authorized and empowered to act as a special police in and for the city of Portage, and are hereby vested with all the powers and authority which now is, are, or hereafter may be vested in any police officer of said city, and shall be entitled to all the rights and immunities of members of the fire department; at fires they shall take charge of all property which may be exposed or endangered, and shall, as far as may be in their power, preserve the same from injury or destruction. Said companies may from time to time adopt such by-laws and regulations as they may deem necessary, not inconsistent with the laws of this state. The members of said companies shall not be entitled to receive any pay or compensation for services rendered in their official capacity. They shall, in case of a riot or disturbance of the peace, have free access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same. The members of said companies shall severally take an oath or affirmation that they shall faithfully discharge the duties of their said office, and when any

Amended.

Organization of fire companies.

pany examined shall, either directly or indirectly, pay by way of gift, gratuity or otherwise, any other or further sum to said commissioner or examiners for services, extra services, or for purposes of legislation or on any other pretense whatever. Said commissioner, examiner, or any officer, clerk or other employe, of any insurance company, violating the provisions of this section, shall be guilty of a misdemeanor. Said commissioner of insurance, in his discretion, shall not be required to make an examination of such companies, organized outside of this state, in states where, under the laws thereof, they are similarly supervised by and under the proper officer, as in such laws provided; and such officer shall furnish, whenever required to do so by the commissioner of insurance, a certificate and statement exhibiting the solvency of such company. The secretary of state shall deliver to the commissioner of insurance all books, records and papers in his office relating to the subject of insurance to be kept and preserved by said commissioner in his office.

Stationery and office accommodations.

SECTION 4. The superintendent of public property is hereby directed to provide the commissioner of insurance with suitable accommodations in the capitol, for office purposes, and also to furnish him such stationery as he may need in the performance of his duties, and he shall be furnished with necessary postage and blanks in the same manner as other state officers are furnished.

SECTION 5. This act shall take effect from and after its passage and publication.

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Amended.

Collection of taxes.

SECTION 3. Chapter eight, of said chapter one hundred and twenty-two of said laws of Wisconsin of 1876, is hereby amended by adding thereto another section which shall read as follows: Section 5. The common council shall have power to organize sack companies to consist of not more than thirty members each. Such companies shall constitute a part of the fire department, and at fires shall be subject to the control of the chief engineer. The members of said companies, either collectively or individually, are hereby authorized and empowered to act as a special police in and for the city of Portage, and are hereby vested with all the powers and authority which now is, are, or hereafter may be vested in any police officer of said city, and shall be entitled to all the rights and immunities of members of the fire department; at fires they shall take charge of all property which may be exposed or endangered, and shall, as far as may be in their power, preserve the same from injury or destruction. Said companies may from time to time adopt such by-laws and regulations as they may deem necessary, not inconsistent with the laws of this state. The members of said companies shall not be entitled to receive any pay or compensation for services rendered in their official capacity. They shall, in case of a riot or disturbance of the peace, have free access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same. The members of said companies shall severally take an oath or affirmation that they shall faithfully discharge the duties of their said office, and when any

Amended.

Organization of fire companies.

pany examined shall, either directly or indirectly, pay by way of gift, gratuity or otherwise, any other or further sum to said commissioner or examiners for services, extra services, or for purposes of legislation or on any other pretense whatever. Said commissioner, examiner, or any officer, clerk or other employe, of any insurance company, violating the provisions of this section, shall be guilty of a misdemeanor. Said commissioner of insurance, in his discretion, shall not be required to make an examination of such companies, organized outside of this state, in states where, under the laws thereof, they are similarly supervised by and under the proper officer, as in such laws provided; and such officer shall furnish, whenever required to do so by the commissioner of insurance, a certificate and statement exhibiting the solvency of such company. The secretary of state shall deliver to the commissioner of insurance all books, records and papers in his office relating to the subject of insurance to be kept and preserved by said commissioner in his office.

Stationery and office accommodations.

SECTION 4. The superintendent of public property is hereby directed to provide the commissioner of insurance with suitable accommodations in the capitol, for office purposes, and also to furnish him such stationery as he may need in the performance of his duties, and he shall be furnished with necessary postage and blanks in the same manner as other state officers are furnished.

SECTION 5. This act shall take effect from and after its passage and publication.

Approved March 12, 1878.

[No. 205, S.] [Published March 18, 1878.]

CHAPTER 215.

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The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amendment.

SECTION 1. Section seven of chapter three, of chapter one hundred and twenty-two of the laws of Wisconsin of 1876, is hereby amended, by inserting after the word "clerk," the word "treasurer."

SECTION 2. Section eleven of chapter seven, of chapter one hundred and twenty-two of the laws of Wisconsin of 1876, is hereby amended so as to read as follows: Section 11. The city treasurer, upon the receipt of such certificate copy of the tax list, shall proceed to collect the same and in like manner, and shall have like power and be subject to like requirements, liabilities and restrictions as town treasurers, except as otherwise provided in this act. The salary of the treasurer shall not exceed four hundred dollars per annum, and shall be payable semi-annually. All taxes may be paid to the treasurer before the first of January in each year without any addition thereto for treasurer's fees. The taxes paid after the first of January, five per cent. treasurers' fees shall be added thereto, which fees when collected shall be paid into the treasury of the city for the benefit of the general fund.

Amended.

Collection of taxes.

SECTION 3. Chapter eight, of said chapter one hundred and twenty-two of said laws of Wisconsin of 1876, is hereby amended by adding thereto another section which shall read as follows: Section 5. The common council shall have power to organize sack companies to consist of not more than thirty members each. Such companies shall constitute a part of the fire department, and at fires shall be subject to the control of the chief engineer. The members of said companies, either collectively or individually, are hereby authorized and empowered to act as a special police in and for the city of Portage, and are hereby vested with all the powers and authority which now is, are, or hereafter may be vested in any police officer of said city, and shall be entitled to all the rights and immunities of members of the fire department; at fires they shall take charge of all property which may be exposed or endangered, and shall, as far as may be in their power, preserve the same from injury or destruction. Said companies may from time to time adopt such by-laws and regulations as they may deem necessary, not inconsistent with the laws of this state. The members of said companies shall not be entitled to receive any pay or compensation for services rendered in their official capacity. They shall, in case of a riot or disturbance of the peace, have free access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same. The members of said companies shall severally take an oath or affirmation that they shall faithfully discharge the duties of their said office, and when any

Amended.

Organization of fire companies.

levy the amount of highway tax in each ward or highway district of said city for the ensuing year according to the necessities of each of the wards or highway districts respectively, for the purpose of constructing and repairing streets, highways and bridges in said city, which amount shall not in any ward or highway district exceed four mills on the dollar upon all taxable property in said ward or highway district, as the same shall appear by the last assessment roll, which shall be collected in the same manner and at the same time as the general taxes of said city. The city treasurer shall credit each ward or highway district in the city with the amount of highway tax collected by him therein, and the same shall be expended on the streets, highways and bridges in the wards or highway districts where collected, under the supervision of the street commissioner. The common council shall have power to levy a tax upon the taxable property of said city equal in amount to the interest for one year not otherwise provided for upon all bonds lawfully issued by the city of Eau Claire, and such special tax shall not be used or applied for any other purpose whatever. No city order of any kind shall be received in payment of school or school house tax, but the same shall be paid in money and shall be paid over by the city treasurer to the treasurer of the school board upon the order of the director and clerk thereof. All resolutions for the purpose of levying a tax shall require for their passage the affirmative vote of two-thirds of all the members of the common council.

Interest on bonds.

City orders not receivable for school tax.

Levy of tax.

Repealed.

SECTION 2. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1878.

[No. 443, A.] [Published March 26, 1878.]

CHAPTER 218.

AN ACT to incorporate the city of Lancaster.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows.

SECTION 1. The village of Lancaster, in Grant county, as chartered and constituted by, and including the territory described in chapter two hundred and nine 209) of the private and local laws of 1869, is hereby erected into and shall hereafter be a city, under the name of the city of Lancaster, and as such city, shall have the general powers possessed by municipal corporations at common law, and in addition thereto, the powers hereinafter granted, and shall own all property, real and personal, now owned by said village, and assume and be subject to all its liabilities, and said city and the inhabitants thereof shall, in general, succeed and be subject to all the present powers, rights, privileges, immunities and liabilities of said village and its inhabitants. Incorporated.

SECTION 2. The officers of said city shall be one mayor and four aldermen, who shall constitute the common council thereof; one justice of the peace, and such other elective officers, except president and trustees, as it is now lawfully provided shall be elected for said village, who shall be elected on the first Monday of May of each year, for the same term of office and in the same manner as the elective officers of said village are now elected, and such other officers as the president and trustees of said village now have power to appoint. Officers.

SECTION 3. All residents of said city who would be qualified voters at a general election, if held at the same time, shall be qualified electors at each city election of said city. Electors.

SECTION 4. The powers and duties of the mayor and aldermen of said city individually, and as such common council, shall be the same respectively as those now exercised and performed by the president and trustees of said villege, and the powers and duties of all the other officers of said city shall be the same as those now exercised and performed by the like officers of said village, except that such city justice of the peace, in addition to jurisdiction over all actions and proceedings arising under the charter, or ordinances, Powers and duties of officers.

rules or regulations of said city, shall also have the same jurisdiction and powers as justices of the peace generally possess.

Fines.

SECTION 5. All fines collected for the violation of the charter, ordinances, rules or regulations of said city, shall be paid over to the treasurer thereof, and the common council shall each year ascertain the clear proceeds thereof, if any there shall be, and such clear proceeds shall be paid into the school fund, as by the constitution of this state provided.

Relations of city and town governments.

SECTION 6. The relations existing between said city, its officers, inhabitants and government, and the town of Lancaster and Grant county, and their officers, inhabitants and government, shall be the same as those heretofore existing between said village and said town and county, except as herein otherwise provided.

Law applied.

SECTION 7. Said chapter two hundred and nine of the private and local laws of 1869, and each and every of its provisions, shall apply to and be a part of the charter of said city, so far as the same is applicable, except as herein otherwise provided.

First election.

SECTION 8. The first election under this charter shall be held on the first Monday of May, 1878, and this act shall be published before, and take effect from and after its passage and publication.

Approved March 16, 1878.

[No. 422, A.] [Published March 26, 1878.]

CHAPTER 219.

AN ACT to authorize and empower the city of Wausau to take up and retire its outstanding indebtedness and to issue its bonds for that purpose.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Retirement of bonds authorized—how effected.

SECTION 1. The common council of the city of Wausau is hereby authorized and empowered to take up and retire all outstanding bonds of said city, heretofore issued for any purpose, either by said common council, or by any of the officers of said city (said city comprising but one school district), or by any of its officers, or by the board of education of said city; and for such purpose the common council of said city is hereby authorized and empowered through the mayor

and clerk of said city, by the order and direction of the common council, to issue the bonds of said city, payable to bearer, at a rate of interest not exceeding eight per centum per annum, payable annually or semi-annually, and the principal payable at some future time, not exceeding fifteen years from the date of such bonds; and the said common council, for such purpose may negotiate and sell the said bonds, which bonds when so issued shall be and remain a debt against said city until the full amount of the principal and interest thereof shall be paid according to the terms thereof; and for the payment of the interest and principal thereof, taxes shall annually be assessed and collected upon all the taxable property within said city, or property taxable therein, sufficient to pay the same, as the same falls due: *provided*, that the indebtedness of said city shall not by the issue of such bonds at the time, exceed in the aggregate five per centum on the value of the taxable property therein, as shall appear by the last assessment roll for state and county taxes next preceding the incurring of said indebtedness.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1878.

[No. 354, A.] [Published March 27, 1878.]

CHAPTER 220.

AN ACT to authorize the commissioners of school and university lands to extend the time of payment of a certain loan named therein.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The commissioners of school and university lands are hereby authorized to extend the time of payment of the money to become due from joint school district number six, of the towns of Newport and Dell Prairie, in the counties of Columbia and Adams, in this state, on a loan made by said commissioners to said district, under the provisions of chapter seventy-four of private and local laws of 1870, so that five hundred dollars, and the interest on the whole sum remaining unpaid, shall become due in the year 1879, and one thousand dollars, and the interest as aforesaid, **Extension of loan.**

shall become due in each year thereafter, until said loan shall be fully paid.

Acceptance.

SECTION 2. Before the time of payment of the money to become due from said school district shall be extended, as herein provided, the district board of said joint school district shall file with the secretary of state an acceptance of the provisions of this act.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1878.

[No. 28, A.] [Published March 27, 1878.]

CHAPTER 221.

AN ACT to authorize the commissioners of school and university lands to loan a portion of the trust funds of the state to the county of Juneau.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Commissioners authorized to make loan.

SECTION 1. The commissioners of school and university lands are hereby authorized to loan a portion of the trust funds of this state, not exceeding the sum of seven thousand five hundred dollars, to the county board of supervisors of the county of Juneau, in this state, and the said board of supervisors is hereby authorized to borrow a sum not exceeding seven thosuand five hundred dollars of said commissioners, and to issue to said commissioners certificates of the indebtedness so contracted. Said indebtedness shall bear interest at the rate of seven per centum per annum, and said interest shall be paid annually, together with not less than one-tenth of the principal sum, after the first three years, until the whole sum is paid.

When payable.

Secretary of state to apportion amount due in state tax

SECTION 2. Each and every year, until the whole loan is paid, the secretary of state shall, when he apportions the state taxes among the several counties, add to the state tax which would otherwise be properly chargeable to said county of Juneau, the amount of the annual interest due on said loan, together with ten per centum of the principal thereof, after the said loan has existed three years as aforesaid, and the same shall be apportioned, levied and collected out of the taxable property of said county, and paid over to the

state in the same manner as other state taxes are apportioned, collected and paid.

SECTION 3. Before any part of said loan shall be delivered to said Juneau county in exchange for said certificates of indebtedness, the county board of supervisors of said county of Juneau shall file with the secretary of state an acceptance of this act and of the terms and limitations herein provided; and the making and filing of such acceptance, as aforesaid, shall be deemed and held to be a levy of all taxes necessary for the repayment of the principal and interest of the said loan as herein provided: *provided*, that the loan hereinbefore authorized, together with all existing indebtedness shall not in the aggregate exceed five per centum of the taxable property of said county of Juneau, as appears by the last assessment for state and county taxes. Acceptance.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1878.

[No. 397, A.] [Published March 25, 1878.]

CHAPTER 222.

AN ACT to legalize the official acts of the town clerk of the town of Liberty, Outagamie county, Wisconsin, for the year 1873.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The official acts of the town clerk of the town of Liberty, Outagamie county, Wisconsin, for the year 1873, in relation to recording the votes and proceedings of the annual town meeting of said town of Liberty in said year, are hereby legalized and made as valid and binding in all respects as if the same had been recorded at the time said votes were taken and said proceedings had. Legalized.

SECTION 2 This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1878.

[No. 191, A.] [Published March 27, 1878.]

CHAPTER 223.

AN ACT to legalize the official acts of Abraham Kuntz, a justice of the peace in the county of Wood.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows.

Legalized.

SECTION 1. All the official acts of Abraham Kuntz, as a justice of the peace of the county of Wood, are hereby legalized, and declared in all respects legal and binding, the same as if his official bond and oath of office had been filed as required by law.

May file bond.

SECTION 2. Said Abraham Kuntz is hereby authorized to file said bond and oath of office within sixty days after the passage of this act, and the same shall have the same force and effect as they would have had if filed at the time required by law.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 16, 1878.

[No. 467, A.] [Published March 26, 1878.]

CHAPTER 224.

AN ACT to prevent the adulteration of milk in butter and cheese factories in this state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Unlawful to adulterate, and penalty for violation.

SECTION 1. Whoever shall knowingly sell, supply or bring to be manufactured, to any butter or cheese manufactory in this state, any milk diluted with water, or in any way adulterated, or whoever shall knowingly bring or supply milk, to any butter or cheese manufactory, that is tainted or partly sour, from want of proper care in keeping pails, strainers or any vessel in which said milk is kept clean and sweet, after being notified of such taint and carelessness; or any butter or cheese manufacturer who shall knowingly use or allow any of his employes or any other person to use for his or for their own individual benefit, any milk or cream from the milk brought to said butter or cheese manufacturer, without the consent of all the owners

thereof; or any butter or cheese manufacturer who shall refuse or neglect to keep or cause to be kept a correct account (open to the inspection of any one furnishing milk to such manufacturer) of the amount of milk daily received, or of the number of pounds of butter and the number and aggregate weight of cheese made each day, or of the number cut or otherwise disposed of, and the weight of each, shall, for each and every offense, forfeit and pay a sum not less than twenty-five dollars, nor more than one hundred dollars, to be sued for in any court of competent jurisdiction, one-half for the benefit of the person or persons, firm or association, or their assigns, upon whom such fraud or neglect shall be committed, first having made complaint therefor, the balance to the school fund.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1878.

[No. 418, A.] [Published March 28, 1878.]

CHAPTER 225.

AN ACT to declare the true intent and meaning of chapter one hundred and forty-three, laws of Wisconsin for 1877, entitled "An act relating to the foreclosure of mortgages, and amendatory of chapter one hundred and forty-five of the revised statutes, entitled of actions for the foreclosure of mortgages, and the acts amendatory thereof."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. It is hereby declared to be the true intent and meaning of section nine of chapter one hundred and forty three of the laws of Wisconsin for 1877, entitled "An act relating to the foreclosure of mortgages, and amendatory of chapter one hundred and forty-five of the revised statutes, entitled of actions for the foreclosure of a mortgage, and the acts amendatory thereof," that the several acts therein referred to shall be and remain in full force and effect from and after the passage and publication of said act as to all judgments of foreclosure, and sheriffs' certificates of sale thereon, and the redemption and conveyance of the premises sold, entered or made previous to the passage and publication of said act. Construction of law.

Limitation.

SECTION 2. The said chapter one hundred and forty-three shall not apply in any respect to any foreclosure of railway mortgages or railway trust deeds heretofore or hereafter commenced.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1878.

[No. 379, A.] [Published March 28, 1878.]

CHAPTER 226.

AN ACT to declare the true intent and meaning of language used in section thirty, of chapter one hundred and fifty-one, of the general laws of 1869, entitled "An act to codify the laws relating to normal schools, and to amend chapter ninety-four of the general laws of 1859, and chapter one hundred and sixteen of the general laws of 1866, and of similar language used in other statutes of the state."

The people of the state of Wisconsin represented in senate and assembly, do enact as follows:

Construction of law.

SECTION 1. It is hereby declared to be the true intent and meaning of the language: "Said board of regents of normal schools shall make all rules, regulations and by-laws necessary for the good government and management of the same," where it occurs in section thirty of chapter one hundred and fifty-one of the general laws of 1869, to confer upon the "board of regents of normal schools" power to give authority to such member or members of said board, as they may determine, to the presidents and faculties of the several schools under their care, to suspend, expel or otherwise discipline students attending the schools of which they respectively have immediate charge, and it shall be the duty of all courts having jurisdiction of the matter in question, and they shall hereafter hold that to be the true intent, meaning and force of the language of the statute above recited.

Duty of courts having jurisdiction.

SECTION 2. It is hereby made the duty of all courts in this state, having jurisdiction of the subject matter, to hold and decide that, and it is hereby declared to be the true intent, meaning and force of similar language, where it may occur in the acts incorporating the board of regents of the university of Wisconsin, or the board of trustees of any other educational institution in this state, or the laws amendatory thereof, such similar lan-

guage does confer upon such board of regents, or such board of trustees, as the case may be, power and authority to authorize, in their discretion, any president or faculty employed by them to suspend, expel or otherwise properly discipline any pupil attending any such educational institution of which they may be in charge.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1878.

[No. 442, A.] [Published March 27, 1878.]

CHAPTER 227.

AN ACT to provide for the transfer of the normal school fund income to the treasurer of the board of regents of normal schools.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The entire income of the normal school fund shall be placed at the disposal of the board of regents of normal schools by transfer to the treasurer of said board, thenceforth to be distinct and independent of the accounts of the state and for the support of normal schools as provided by law. Transfer of funds.

SECTION 2. All acts and parts of acts inconsistent with this act are hereby repealed. Repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1878.

[No. 505, A.] [Published March 27, 1878.]

CHAPTER 228.

AN ACT to amend chapter two hundred and ninety-nine of the laws of Wisconsin for 1877, entitled "An act to amend chapter three hundred and eleven, private and local laws of 1867, entitled an act to incorporate the Pete-en-Well bridge company, and also to authorize certain towns to grant aid therefor."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one (1) of said chapter two hundred and ninety-nine of the laws of Wisconsin for Amended.

1877, is hereby so amended as to read as follows: Thomas Weston, Wm. H. H. Cash and Timothy Buchanen are hereby appointed commissioners to receive subscriptions to the capital stock of said Pete-en-Well Bridge Company, and shall open a book of subscription at such time and place as said commissioners may determine upon on or before the first day of May, A. D. 1878, and may keep such book open for subscriptions during such time as said commissioners may determine upon.

Duties of commissioners.

Amendment.

SECTION 2. Section four (4) of said chapter two hundred and ninety-nine of the laws of Wisconsin for 1877, is hereby amended by striking out of the last two lines of said section four (4) the words "one year and three years," and inserting instead thereof the words "two years and four years," so that the last three lines of said section shall read as follows. "*provided*, that the said bridge shall be commenced within two years and completed within four years from the passage of this act."

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1878.

[No. 282, A.] [Published March 28, 1878.]

CHAPTER 229.

AN ACT to extend the time for the construction and completion of the railway of the Chicago, Portage & Superior Railway Company.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Extension of time.

SECTION 1. The time limited for the construction and completion of the railway of the Chicago and Northern Pacific Air Line Railway Company, now the Chicago, Portage and Superior Railway Company, by chapter one hundred and twenty-six of the laws of Wisconsin for 1874, entitled "An act to confer certain lands upon the North Wisconsin Railway Company, and the Chicago and Northern Pacific Air Line Railway Company, and to execute the trusts assumed by the state of Wisconsin by its acceptance of the grants of land made by congress by acts approved June 3, 1856, and May 5, 1864," is hereby extended three years.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1878.

[No. 464, A.] [Published March 28, 1878.]

CHAPTER 230.

AN ACT to fix the time for holding the general and special terms of the circuit court in the eighth judicial circuit.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The general terms of the circuit court in the eighth judicial circuit shall hereafter be held in each year as follows: In the county of Buffalo, on the second Monday in May and first Monday in December. In the county of Dunn, on the second Monday of March and the second Monday of September. In the county of Eau Claire, on the fourth Monday in March and the fourth Monday in September. In the county of Pepin, on the third Monday in April and third Monday in October. In the county of Pierce on the second Monday in June and the second Monday in December. In the county of St. Croix, on the third Monday in May and the third Monday in November. General terms fixed.

SECTION 2. All the general terms held in the county of Eau Claire shall be special terms for the whole circuit. Special terms.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1878.

[No. 493, A.] [Published March 26, 1878.]

CHAPTER 231.

AN ACT for the preservation of trout in the waters of Crawford county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. No person shall, for the period of three years from the taking effect of this act, in any manner Unlawful to take trout within certain times.

catch or take from any of the brooks or streams within the limits of the county of Crawford any brook or speckled trout.

Penalty. SECTION 2. Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be liable to a fine for each and every such offense of not less than ten dollars, nor more than fifty dollars, and costs of prosecution, and shall stand committed to the common jail of said county until such fine is paid. Justices of the peace shall have jurisdiction of all prosecutions under this act.

Repealed. SECTION 3. All acts or parts of acts contravening the provisions of this act are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1878.

[No. 174, A.] [Published March 27, 1878.]

CHAPTER 232.

AN ACT in relation to sheriff's fees in Crawford county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Salary. SECTION 1. The sheriff of Crawford county shall, on and after January 1st, 1879, receive as compensation for his services, a salary in full payment and satisfaction of all fees, expenses, charges and emoluments for which the county would be liable if this act had not passed, and which salary shall be in lieu of all such fees, expenses, charges and emoluments, whether rendered by said sheriff, his under sheriff or deputies, and which salary shall be fixed and prescribed by the county board of supervisors of said county, as hereinafter provided: *provided, however*, that said sheriff shall, in addition to such salary, be entitled to compensation from said county for boarding, care of, and necessary supplies for, prisoners lawfully confined in the common jail of said county, and for which, by law, said county is chargeable: *and provided, further*, that nothing herein shall be so construed as to prevent such sheriff from charging and receiving such fees in civil actions as are or may hereafter be prescribed by law.

SECTION 2. The county board of supervisors of said county shall meet on or before the first Wednesday in September, 1878, and shall, at such meeting by resolution, fix such salary to commence on the first day of January, 1879, and to continue without change for two years after such commencement; and said county board shall, at the same time it fixes the salaries of other county officers fix such salary of said sheriff for the next ensuing term, and such salary, when so fixed, shall not be increased or diminished during the term of office for which it was so fixed. **Board of supervisors to fix salary.**

SECTION 3. All laws conflicting with the provisions of this act are hereby repealed, providing that this act shall affect and relate to the county of Crawford only. **Provisional repeal.**

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1878.

[No. 431, A.] [Published March 26, 1878.]

CHAPTER 233.

AN ACT act in relation to the reduction in the price of swamp and overflowed lands in Manitowoc county.

The people of the state of Wisconsin, represented in senate and Assembly, do enact as follows:

SECTION 1. The commissioners of school and university lands are hereby authorized, in their discretion, to reduce the price of all swamp and overflowed lands now owned by the state in Manitowoc county, and that have not been once sold, and all such lands that have been once sold, forfeited to the state and are now held by the state, to the uniform price of fifty cents per acre, with the amount of unpaid taxes added thereto: *provided*, that the above reduction shall not apply to any of said lands now under contract, and which may hereafter become forfeited to the state, until the expiration of two years after such forfeiture. **Reduction of price of lands authorized.**

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1878.

[No. 210, A.] [Published March 27, 1878.]

CHAPTER 234.

AN ACT to authorize the commissioners of school and university lands to loan a portion of the trust funds of the state to the county of Adams.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Loan authorized.

SECTION 1. The commissioners of school and university lands are hereby authorized to loan a portion of the trust funds of the state, not exceeding five thousand dollars, to the county board of supervisors of the county of Adams, in this state, and the said board of supervisors are hereby authorized to borrow a sum not exceeding five thousand dollars of the said commissioners, and to issue to the said commissioners certificates of the indebtedness so contracted. Said indebtedness shall bear interest at the rate of seven per centum per annum, and shall be paid annually. And after five years from the time of contracting the indebtedness herein authorized, one-tenth of the principal sum shall be annually paid, until said indebtedness is fully discharged: *provided*, that the indebtedness herein authorized shall not, with all other existing indebtedness of said county at the time, in the aggregate, exceed five per centum on the total valuation of the taxable property of said county of Adams, as shall appear from the assessment of said county next previous to the time of incurring such indebtedness.

Interest and loan—when payable.

Application of funds.

SECTION 2. The moneys loaned under and in pursuance of the provisions of this act shall be used for the building and erection of a common jail in said county.

Secretary of state to apportion amount due with state tax.

SECTION 3. Each and every year, until the whole sum loaned shall be paid, the secretary of state shall, at the time he apportions state taxes to the several counties, add to the state tax which would be properly chargeable to said county of Adams, the annual interest due the state on said loan, together with ten per centum of the principal sum loaned, after five years as aforesaid, and the same shall be apportioned by the county clerk of said county, collected and paid over in the same manner that other state taxes are apportioned, collected and paid.

Acceptance.

SECTION 4. Before contracting the debt herein provided for, and before any funds shall be delivered to said county, in exchange for certificates of indebted-

ness, the county board of said county of Adams shall file with the secretary of state an acceptance of the provisions of this act, and of the limitations and terms herein provided, and such acceptance so made and filed shall be deemed a levy by said county board of supervisors of taxes necessary for the payment of said loan, in the manner and form hereinbefore provided.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1878.

[No. 180, A.] [Published March 28, 1878.]

CHAPTER 235.

AN ACT relating to excise and the sale of intoxicating liquors, and to amend section five of chapter one hundred and seventy-nine of the laws of Wisconsin for 1874, entitled "An act to consolidate and codify the various laws of our state relating to excise and the sale of intoxicating liquors."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section five of chapter one hundred and seventy-nine of the laws of Wisconsin for 1874, entitled "An act to consolidate and codify the various laws of our state relating to excise and the sale of intoxicating liquors," is hereby amended by inserting "malt" after the word "spirituous," where it occurs in the third line of said section, so that when so amended it will read as follows: Section 5. If any person shall vend, sell, deal or traffic in, or for the purpose of evading this chapter, give away, any spirituous, malt, ardent or intoxicating liquors or drinks, in any quantity whatever, without first having obtained a license therefor, according to the provisions of this chapter, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished therefor by a fine of not less than ten nor more than forty dollars, besides the cost of suit; or in lieu of such fine, by imprisonment in the county jail of the proper county, not to exceed sixty days, nor less than twenty days; and in case of punishment by fine as above provided, such person shall, unless the fine and costs be paid forthwith, be committed to the county jail of the proper county until such fine and all costs are paid, or until discharged by due course of law; and in case of a sec-

Amendment.

Penalty for violation of law.

ond or any subsequent conviction of the same person during any one year, the punishment may be by both fine and imprisonment, in the discretion of the court.

SECTION 1. This act shall be in force from and after its passage and publication.

Approved March 16, 1878.

[No. 421, A.] [Published March 27, 1878.]

CHAPTER 236.

AN ACT to amend chapter two hundred and ninety-eight of the laws of Wisconsin for 1876, entitled An act to amend chapter one hundred and seventy-one of the private and local laws of 1868, entitled An act to amend chapter thirty of the private and local laws of 1853, entitled An act to incorporate the Wisconsin River Improvement Company, and to amend chapter one hundred and seventy-one of the private and local laws of 1866, amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

Restriction of privilege.

SECTION 1. Section one of chapter two hundred and ninety-eight of the laws of Wisconsin for 1876, is hereby amended so as to read as follows: Section 1. Section two of chapter three hundred and ninety-four of the private and local laws of 1868, is hereby amended so as to read as follows: Section 2. The said company shall not be entitled to collect any tolls upon lumber, timber, shingles, laths, boats, scows, barges or other vessels which shall pass over or through all or any of the improvements made by them or their successors, or assigns, until the said company shall have in good faith expended the full sum of five thousand dollars upon the said improvements, or some parts thereof, and when the said sum shall have been so expended the said company shall then be authorized to establish a tariff or rate of toll for running the said improvements made by the said company, which shall not exceed the following rates or amounts between the following points, to wit: Between the foot of Grand Rapids and Point Basse, on lumber, seven and one-half cents per thousand feet; on timber, seven and one-half cents per thousand feet; on shingles, three cents per thousand; on lath, two cent per thousand pieces; on boats, scows or barges, over thirty feet in length, three cents per foot, lineal measure, and between the foot of Conant's Rapids and the foot of Grand Rap-

Tolls.

ids, an amount or rate not exceeding the foregoing rate on the same articles; and between the foot of Little Bull Falls and the foot of Conant's Rapids, an amount or rate not greater than the foregoing on the same articles; and between the foot of Big Bull Falls and the foot of Little Bull Falls, an amount or rate not to exceed that above named on the same articles; and between Jenny Mills and the foot of Big Bull Falls, an amount or rate not to exceed that above named on the same articles; and for all logs, lumber or timber which may be run over the improvements of said company on Grand Father Bull Falls, a toll not to exceed seven and one-half cents for each and every thousand feet so run thereover: *provided*, that the toll so levied shall be reasonable and proportioned to the benefits made by such improvements to the navigation of the river: *and provided further*, that said company shall be liable to the owners of any and all property run over any or all of such improvements for any damage to such property caused by the improper construction of its works or improvements, or any part thereof, or by imperfections or defects therein, resulting from the fault or negligence of said improvement company; and which damages may be offset in any action brought by said company against such owner for tolls, or may be recovered in an action brought against said company. Liabilities.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 16, 1878.

[No. 247 A.] [Published April 9, 1878.]

CHAPTER 237.

AN ACT relating to tract indexes, and amendatory of chapter three hundred and fifty-two of the general laws of 1864, entitled "An act to provide for a tract index."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of said chapter three hundred and fifty-two is hereby amended so as to read as follows: Section 1. The register of deeds of each county in this state shall as soon as practicable after the first day of May, A. D. 1878, or whenever directed, so to do by the county board of supervisors, as hereinafter provided, procure, at the expense of said county, Amended. Blank tract index book.

and keep in his office, a suitable book or books, substantially bound, and so ruled and arranged that opposite to the description of each forty acre tract of land, according to the government subdivision of sections, fractional lots and town, city or village lots (which description shall be arranged in numerical order) shall be a blank space of about forty square inches, in which he shall enter, in red ink, the letter or letters, numeral or numerals, indicating the volume, and in black or blue ink the class of records referred to (designating mortgages by the letter M, deeds by the letter D, and miscellaneous by the abbreviation Mis.), together with the page of said volume upon which each and every deed, mortgage or other instrument affecting the title to or encumbering the whole or any part or subdivision thereof shall heretofore have been or may hereafter be recorded, and shall be entitled to demand and receive of the grantee or grantees, mortgagee or mortgagees, in each instrument thereafter recorded, the sum of three cents for each entry in said index, made necessary by the recording of such instrument.

Special duties of register.

Fees.

Re-index.

SECTION 2. In all cases in which any county has now in the office of the register of deeds a tract index of lands and lots in which the same are entered and indexed by quarter section descriptions only (except in case of fractional and platted lots) the register of deeds of such county is hereby directed as soon as practicable after the passage of this act, to re-index, in accordance with the provisions of section one of this act, all such lands so indexed by greater than forty acre subdivisions, and for such services said register shall be entitled to demand and receive from said county the sum of two cents for each necessary entry in said index or records herein provided for, unless the price shall be otherwise fixed by contract, as hereinafter provided.

Amended.

Restrictions.

SECTION 3. Section three of said chapter three hundred and fifty-two is hereby amended so as to read as follows: The provisions of this act shall not extend nor apply to the register of deeds of any county which now has in the office of the register of deeds a general tract index of records made substantially in accordance with the provisions of this act, nor to any county whose county board of supervisors, or a majority thereof, shall fail to accept and ratify the same, by ordering the register of deeds to comply with its requirements.

Authority of supervisors to

SECTION 4. The county board of supervisors of each organized county in this state is hereby authorized

and empowered to provide the necessary books and direct and employ the register of deeds to perform the work of indexing and re-indexing such records as hereinbefore provided for, at the expense of the county, so far as the same should be done by the county, at a price therefor not exceeding the figures above given; *provided*, that any such county board may enter into a contract with the register of deeds for the doing of such work, at such price or compensation, not exceeding the sum above mentioned, as may be agreed upon.

procure books and let work by contract.

SECTION 5. The index provided for in this act shall be open to the free inspection of all persons during reasonable business hours.

Index to be open for inspection.

SECTION 6. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Repealed.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1878.

[No. 127, A.] [Published March 27, 1878.]

CHAPTER 238.

AN ACT to authorize the town of Amherst, in Portage county, to appropriate certain moneys to build a town hall.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All moneys paid to the town of Amherst on account of any or all licenses whatsoever, granted or issued by the board of supervisors of said town, including licenses for the sale of malt, spirituous or intoxicating liquors, shall be set apart and held as a special fund for the purpose of buying suitable grounds and the building thereon a town hall, for the use and benefit of said town, in the village of Amherst of said town.

License fees set apart for purpose of building a town hall.

SECTION 2. It shall be the duty of the supervisors of said town, as soon as said fund shall amount to one thousand dollars ($1,000), to buy suitable grounds, and prepare, or cause to be prepared, plans and specifications for said hall to be erected thereon, and advertise for bids on the same, by posting in not less than ten public places in the county, or by inserting the same in one of the county papers, giving time and place of opening bids, at least six consecutive weeks prior to the open-

Duties of supervisors.

ing the same. And it shall be the duty of the supervisors to open any and all bids received by them in due form, and to award the same to the lowest responsible bidder. They, the said supervisors, reserve the power to reject any and all bids, and, if no bid is accepted, to immediately proceed as hereinbefore stated. The said supervisors shall cause a bond in the penal sum of one thousand dollars ($1,000) to be executed by the person or persons whose bid is accepted, running to the town of Amherst, for the faithful performance of said contract, with not less than two good sureties.

Restriction.

SECTION 3. After said sum shall amount to one thousand dollars ($1,000), all moneys hereafter collected shall apply the same as if this bill had not been passed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1878.

[No. 230, A.] [Published March 27, 1878.]

CHAPTER 239.

AN ACT to authorize William Miller, his associates, heirs and assigns to erect and maintain a dam across Mondeau creek in Taylor county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Construction of dam authorized.

SECTION 1. William Miller, his associates, heirs and assigns, are hereby authorized to maintain a dam across Mondeau creek, in Taylor county, on section three (3), in township thirty-three (33) north, of range one (1) west, at the foot of the rapids in said stream, which said dam shall be of a height not exceeding (11) eleven feet.

Powers and duties.

SECTION 2. The said William Miller, his associates, heirs and assigns, shall build suitable slides and gates in said dam for flooding purposes, and for the purpose of sluicing and driving logs and timber over, through and beyond said dam and out of said creek, and shall keep the same in repair, and shall hold the water back for the above named purposes whenever the case may require, and for that purpose said gates shall be closed.

SECTION 3. The said William Miller, his associates, heirs and assigns, are hereby authorized and empowered to charge, collect, sue for and recover as tolls for the use of the water collected by said dam, and for the use of their dam aforesaid, the sum and rate of five cents per thousand feet on all logs which shall run or be run or driven over and beyond said dam; and said tolls shall be a lien upon the logs and timber chargeable with the same, which lien may be enforced in the same manner in which other liens upon logs or timber enforced under the general laws of the state of Wisconsin, or the lien law applicable to said Taylor county: *provided*, that the said Miller, his associates, heirs, or assigns, shall be entitled to charge or receive toll, as aforesaid, until said dam shall have been completed, so that the said creek shall be made suitable for driving logs and timbers therein, above and below said dam. Tolls.

SECTION 4. The control of said dam, slides and gates shall belong to the said William Miller, his associates, heirs and assigns, but subject always to the provisions of section two of this act. Vested rights.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1878.

[No. 235, A.] [Published March 29, 1878.]

CHAPTER 240.

AN ACT to amend chapter one hundred and thirty-eight, general laws of 1861, entitled "An act to amend chapter eighteen of the revised statutes, and chapter twenty-two of the general laws of 1859, entitled 'an act relating to the sale of lands for unpaid taxes, and the conveyance and redemption thereof."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter one hundred and thirty-eight of the general laws of 1861, entitled "An act to amend chapter eighteen of the revised statutes, and chapter twenty-two of the general laws of 1859, entitled 'an act relating to the sale of lands for taxes, and the conveyance and redemption thereof,'" is hereby amended by adding to the end of section five of said chapter one hundred and thirty-eight, the following, to wit.: But whenever any such action shall be commenced, after the expiration of three years from the date of the re- Amended. Evidence of title.

cording of such deed, unless such action shall be brought by a person who was a minor at the time the right of action shall accrue, as aforesaid, such deed, if executed substantially in form prescribed by law for the execution of tax deeds, shall be conclusive evidence of the existence and legality of all proceedings from and including the assessment of the property for taxation up to and including the execution of such deed.

Application of law.

SECTION 2. This act shall apply to tax deeds heretofore issued as well as to those hereafter issued.

SECTION 3. This act shall take effect from and after January 1st, 1879.

Approved March 16, 1878.

[No. 278, A.] [Published April 4, 1878.]

CHAPTER 241.

AN ACT relating to preservation of game and amendatory of chapter three hundred and twenty-nine of the laws of Wisconsin for 1874, entitled "An act for the preservation of game in the state of Wisconsin."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Chapter three hundred and twenty-nine of the laws of Wisconsin for 1874, entitled "an act for the preservation of game in the state of Wisconsin," is hereby amended by inserting between sections five and six of said act, the following: Section 6. No person or persons shall at any time catch, kill or have in possession for the purpose of exporting or causing to be exported, or by carrying or causing to carried out of the limits of the state of Wisconsin any partridge, ruffed grouse, prairie hen or prairie chicken or quail mentioned in this act, and each and every person guilty of such offense shall be liable to the penalty of ten dollars for every such game bird so caught, killed, or had in possession. The provisions of this section shall apply to every corporation, railroad company or express company carrying on business within the state, and to any and every agent and employe of such corporation, railroad company or express company.

Penalty for violation.

Application of law.

How penalties are recovered.

SECTION 2. The penalty provided in section one of this act may be recovered under the provisions of

said section five, chapter three hundred and twenty-nine of the laws of Wisconsin for 1874.

SECTION 3. Sections six, seven, eight and nine of said chapter three hundred and twenty-nine of the laws of Wisconsin for 1874 are hereby renumbered sections seven, eight, nine and ten, respectively. Re-numbered.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1878.

[No. 217, A.] [Published March 27, 1878.]

CHAPTER 242.

AN ACT to legalize the actions of school district number one in the town of Fremont, in the county of Waupaca.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All the acts and proceedings of school district number one, of the town of Fremont, in the county of Waupaca, at the annual school meeting held on the first Monday of September, instead of being held on the last Monday in August, 1877, are hereby declared legal, and the taxes voted at said meeting shall be held to be as legal and binding as though they had been voted on the last Monday in August, 1877. Legalized.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 16, 1878.

[No. 336, A.] [Published March 28, 1878.]

CHAPTER 243.

AN ACT to provide for laying out and establishing a state road from Stockholm, in the county of Pepin, to Clear Lake, in the county of Polk.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Andrew Gilberg, of the county of Pepin; S. J. Fox, of the county of Pierce; D. C. Davis, of the county of St. Croix, and Peleg Burdick, of Polk Commissioners

county, are hereby appointed commissioners to lay out and establish a state road, commencing at the village of Stockholm, in the county of Pepin, and running thence through the town of Stockholm, in the county of Pepin, the towns of Maiden Rock, Union, Rock Elm and Spring Valley, in the county of Pierce; the towns of Cadiz, Springfield and Emerald, in the county of St. Croix, and Clear Lake, in Polk county, and terminating at such point, at or near Clear Lake, in Polk county, as said commissioners may select.

Survey.

SECTION 2. Said commissioners, or a majority of them, shall make a survey and plat of said road, and shall cause a copy of the notes of said survey and of said plat to be filed and recorded in the office of the several town clerks of the towns through or into which said road shall be located and established.

Compensation of commissioner.

SECTION 3. Said commissioners shall each receive two dollars per day for the time actually and necessarily spent by them in laying out and establishing said state road, which sum shall be in full for all services so rendered by them.

Expenses.

SECTION 4. The expense of laying out, establishing and constructing said state road shall be borne by and paid by the several towns through or into which it shall be run, or located and established, in proportion to the distance of road run in each town.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1878.

[No. 401, A.] [Published March 22, 1878.]

CHAPTER 244.

AN ACT to amend chapter two hundred and eighty-three of the private and local laws of 1866, entitled "An act to incorporate the Menomonee River Manufacturing Company," and to repeal chapter one hundred and twenty-seven of the general laws of 1865, entitled "an act to authorize Jesse Spalding to build, keep and maintain a boom on the Menomonee river, below Chappe's rapids, in the county of Oconto, and state of Wisconsin."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section four of chapter two hundred and eighty-three of the private and local laws of 1866,

entitled "an act to incorporate the Menomonee River Manufacturing Company," and to repeal chapter one hundred and twenty-seven of the general laws of 1865, entitled "an act to authorize Jesse Spalding to build, keep and maintain a boom on the Menomonee river, below Chappe's rapids, in the county of Oconto, and state of Wisconsin," is hereby amended so as to read as follows: "Section 4. The said corporators are hereby authorized and empowered to construct, keep and maintain one or more booms in and across said Menomonee river, and also one or more dams in and across the same at such point or points as they may deem expedient, between the east line of lot four (4), subdivision of section number six (6), in township number thirty (30) north, of range number twenty-four (24) east, in the county of Oconto, in this state, and the east line of section fourteen (14), in township thirty-one (31) north, of range number twenty-two (22) east, in said county, and to erect piers or other structures, and secure and connect such booms or dams with the Wisconsin shore of said river, and to collect reasonable tolls upon all logs and timber floated down said river through or over said booms or dams: *provided, however*, such boom or booms, dam or dams, shall be constructed so as to admit of the passage of boats or other craft, and rafts of logs, timber and lumber, or rafts of other commodities running or being floated on the said river, for the passage of which said raft or rafts, boat or boats, or crafts, through or over such dam or dams, boom or booms, the corporators shall not be entitled to demand or receive toll. The said corporation is authorized and empowered to purchase, or otherwise obtain, hold and control all or any part of the shares of the capital stock of the Pike River Improvement and Driving Company, and Menomonee River Improvement Company, two corporations existing under the laws of this state, or either of them, or of any corporation or corporations which are now or may hereafter be organized for the purpose of improving the Menomonee river, or any of its tributaries, and to consolidate with or otherwise unite with such corporation or corporations so that the whole property and business of any such corporation or corporations shall pass to and become vested in the Menomonee River Manufacturing Company, with all the powers, privileges and rights of the corporation or corporations so consolidated or otherwise united with it, and with all the powers, privileges, franchises and rights conferred by this act: *pro-*

Booms and dams.

Consolidation of corporations authorized.

vided, that no such purchase or other acquirement of shares of stock by the Menomonee River Manufacturing Company shall be lawful without the assent previously given of holders of at least three-fourths of the capital stock of said last named corporation: *and provided*, that no consolidation or other union with any corporation with which consolidation or other union is hereby authorized shall be lawful without the assent previously given of holders of at least three-fourths of the capital stock of Menomonee River Manufacturing Company, and also the assent previously given of holders of at least three-fourths of the capital stock of the corporation with which such consolidation or other union is proposed to be made.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1878.

[No. 44,A.] [Published March 28, 1878.]

CHAPTER 245.

To provide for the preservation of fish in Coon river and its tributaries.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Unlawful to take fish.

SECTION 1. Hereafter it shall be unlawful for any person or persons to take, catch, kill, or in any way or manner whatsoever, to destroy any kind of fish in that part of the river known as Coon river and its tributaries, which lie within the boundary lines of the towns of Christiana and Coon in the county of Vernon, except during the months of June, July and August, and then they shall not be taken with any other kind of tools or implements than with hook and line.

Penalty.

SECTION 2. Any person or persons violating the provisions of this act, or any of them, shall upon the conviction thereof, be subject to a fine of not less than five dollars nor more than twenty-five dollars, together with the costs of prosecution, for each and every such violation, and shall be committed to the county jail until such fine and costs are paid, or the offender or offenders are discharged by law.

SECTION 3. Justices of the peace shall have jurisdiction to hear, try and determine all cases and actions arising under the provisions of this act, and upon the collection of any fine imposed by virtue of the provisions of this act, one-half of the amount of such fine shall be paid to the complainant in the case and the remainder shall be applied to the credit of the school fund of the county of Vernon. Jurisdiction.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1878.

[No. 73, A.] [Published April 10, 1878.]

CHAPTER 246.

AN ACT to enable secret societies and other charitable and benevolent institutions, including mutual insurance companies organized by said societies and incorporated under the laws of this state, to amend their charters.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The board of directors or trustees having the control of the affairs of any insurance company organized by any secret society or other benevolent society, which has been heretofore incorporated by the laws of this state, said board having been previously elected by the members or stockholders of said company, shall be authorized to make such alterations and amendments to the constitution and by-laws of any such company as a majority of such board may determine to be for the best interest of said company, which said amendments shall be in full force and effect from and after their adoption by said board: *provided, however*, the annual meeting of the stockholders or members of any such society may by a majority of all such members or stockholders present, or represented by proxy thereat, rescind any such resolution. Amendments to charter authorized.

SECTION 2. If it is proposed to make any alteration or amendment described in section one of this act, at any special meeting of said board, it shall be the duty of the secretary of said society to send a written notice to each member of said board of the time and place of such meeting, and shall also state the object of such meeting. Special meeting.

In case of the absence of the city clerk, the inspectors may also appoint an elector of said city to act as such clerk at such election, and in case of the absence of the mayor and two of the said aldermen in time to properly open the polls, the qualified voters of the city there present may choose from among their number one or more persons, as the case may be, to act as inspectors in the place of the absent mayor or aldermen. The clerks and inspectors shall take and subscribe an oath, in the same form and to the same effect, as near as may be, as the oath required to be taken and subscribed by clerks and inspectors of general elections under the laws of this state. The clerk shall keep a list of the names of persons voting, as hereinafter provided, and all elections under this act shall be conducted in the same manner, as far as may be, in accordance with the provisions of this act, as general elections are conducted under the laws of this state, and the plurality of votes shall in all cases decide the election.

Ballot-boxes.

SECTION 4. The common council of said city shall provide three ballot boxes, numbered one, two and three, to correspond with the wards aforesaid, to be used at all elections under this act.

Elections.

SECTION 5. All persons qualified to vote at general elections for state officers and who shall have been residents of said city for at least ten days next preceding any election, shall be legal voters for any officer required to be elected by this act; and if any person's right to vote be challenged, or if the inspectors of election shall have reason to believe that any person presenting himself to vote, does not possess the qualifications of an elector under this act, the inspectors shall decide upon the challenge, or upon the qualifications of the person as an elector, in the same manner as is required by law at general elections: *provided, however*, that the proper questions shall be propounded to and answered by such person to enable said inspectors to determine whether he has resided in said city for ten days prior to offering his vote.

Elective officers and terms.

SECTION 6. The elective officers of said city shall be a mayor and police justice, a city clerk and city treasurer, to be elected by and for the city at large; and two aldermen, to be elected by and from each ward. The mayor, aldermen, police justice, city clerk and city treasurer, shall be qualified voters of said city, and the aldermen shall be residents of the ward from which they shall be elected, and except the police justice, shall hold their respective offices for the term of

one year and until their successors shall be elected and qualified. The police justice shall hold his office for the term of two years and until his successor shall be elected and qualified.

Elections, how conducted.

SECTION 7. All elections by the people shall be by ballot, on which the names of all persons voted for shall be written or printed, and when any aldermen, or supervisors to represent the several wards of said city in the county board of supervisors are to be elected at any election, the ballot shall designate the number of the ward from which such aldermen or supervisors are to be elected. At each annual election, the inspectors of election shall cause three poll lists to be made and numbered one, two, and three, to correspond with the three wards hereinbefore provided for, and the inspectors of election, at the opening of the polls, shall designate which of the three clerks of election hereinbefore provided for shall have charge of the poll list for each of the said wards respectively. Every person when he presents his ballot, shall give his name and the number of the ward in which he resides, and the clerk of election who has charge of the poll list of the ward in which he resides, shall enter his name on the list, numbered so as to correspond with the number of the ward of which said person is a resident. The ballot of each elector shall be deposited in the box numbered to correspond with the ward wherein he resides, and no ballot which shall be deposited in a box other than the one corresponding in number to the ward wherein the person named in such ballot for alderman or supervisor resides, shall be counted. Immediately after the closing of the polls, the ballots in each box shall be counted separately by the inspectors and clerks, and the two persons named on the ballots in any box for aldermen, and the one named thereon for supervisor, who shall have received a plurality of all the votes cast by the electors of the ward corresponding in number with the box, shall be declared elected aldermen and supervisor of such ward, and the persons who shall receive a plurality of all the votes of the electors of said city for the offices of mayor, police justice, city clerk and city treasurer, shall be declared elected to such offices respectively. When two or more candidates of an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots, in the presence of the common council, at such time and in such manner as the common council shall direct.

Penalty for illegal voting.

SECTION 8. If any person who is not a qualified voter of said city shall willfully and knowingly vote at any election, or if any person duly qualified shall willfully and knowingly give his name as belonging to a ward in which he does not reside, and shall willfully and knowingly deposit or cause to be deposited his ballot in a box not corresponding in number to the ward in which he resides, or if any person shall vote more than once at any election, he shall forfeit and pay a sum not exceeding fifty dollars and not less than twenty-five dollars, to be recovered in the same manner as other fines and penalties are recovered under this act, and shall also incur all the pains and penalties provided by any general law of this state for illegal or fraudulent voting. If any inspector shall knowingly and corruptly receive the vote of any person not authorized to vote, or shall make out false returns of an election, or if any clerk shall willfully omit to write down the names of every voter as he votes, or shall willfully make untrue or incorrect counts or tallies of votes, such inspector or clerk shall be liable to indictment or punishment by information, and on conviction thereof shall forfeit and pay a sum not exceeding five hundred dollars, or less than one hundred dollars.

Election returns.

SECTION 9. Immediately after the counting of the ballots at any election under this act, the inspectors and clerks of election shall, under their hands, make a written statement of the result of such election, and attach thereto the oaths of the inspectors and clerks, and the three poll lists kept at such elections, and shall cause the same to be filed in the city clerk's office, and the said statement shall be recorded in the records of said city by the city clerk; and the said statement shall be *prima facie* evidence, in all courts and before all tribunals, of the statements therein contained. Immediately after filing such statement, the city clerk shall make out and deliver to each person who appears by such statement to have been elected to any office, a certificate of election under his hand and the seal of said city.

Appointive officers.

SECTION 10. All other officers necessary for the management of said city shall be appointed by the common council thereof, and the said common council shall, at its first regular meeting in each year, appoint one marshal, an attorney, one or more street commissioners, and such other officers as the council shall deem it necessary to appoint at that time. In case the

council shall for any reason fail or neglect to elect a marshal, an attorney, one or more street commissioners, or either of them, at the first meeting in each year, the mayor shall call a special meeting of the common council, to be held within fifteen days after such regular meeting, at which special meeting the common council shall appoint such of said officers as it neglected or failed to appoint at its first regular meeting. Notice of the time and place of holding such special meetings, and of the officers to be appointed thereat, shall be published at least ten days before such meeting in some newspaper published in said city, or by posting such notice up in at least five conspicuous places in said city, at least ten days before such special meeting.

Village officers.

SECTION 11. All the village officers of the village of Fort Atkinson shall hold their respective offices until their successors shall be elected and qualified, or appointed and qualified under this act; and the term of every officer elected under this act shall commence the third Tuesday in April of the year for which he shall have been elected, and shall, unless otherwise provided, continue for one year, and until his successor is elected and qualified.

Duties of village officers.

SECTION 12. All duties herein required of the mayor, aldermen, common council, or clerk, in regard to elections, shall be performed, so far as may be necessary, by the present president, trustees, board of trustees, and the clerk of the village of Fort Atkinson, in regard to the first election and the organization of the city government under this act.

First election.

SECTION 13. The first election of officers under the provisions of this act shall be held on the second Tuesday in April, A. D. 1878, and the president and any two trustees of the village of Fort Atkinson shall be the inspectors, and the clerk of said village, together with two other clerks, to be appointed by said inspectors, shall be the clerks of such election.

Assistant marshal.

SECTION 14. The common council may at any time, when in its judgment the interests of the city require it, appoint an assistant marshal or assistant marshals, and may remove the same at pleasure; and such assistant marshal or marshals, when so appointed, shall have the same power and authority, rights and privileges, and be subject to the same duties as the marshal of said city.

Statement of officers elected.

SECTION 15. Immediately after any corporation officer shall be elected or appointed and qualified, the clerk of said city shall, under his signature and the cor-

porate seal of said city, make out two statements containing the names of the persons so elected or appointed and qualified, and the office to which each shall have been elected or appointed and qualified, and he shall transmit said statements, the one to the county clerk, and the other to the clerk of the circuit court of Jefferson county; and the said clerks shall file and preserve the same in the same manner as they file and preserve like certificates of the election or appointment and qualification of town officers.

CHAPTER V.

VACANCIES AND REMOVALS.

Vacancies.

SECTION 1. The death, neglect to qualify, refusal to serve, or removal from said city, of any officer elected or appointed under this act, or his inability for any cause to discharge the duties of his office, or his removal by the common council as hereinafter provided, shall create a vacancy in such office, and the removal of any alderman or supervisor from the ward for which he shall have been elected shall create a vacancy in the office held by him.

Removals.

SECTION 2. For good cause shown, the common council may remove any officer elected under this act, but before any officer shall be so removed, written charges shall be made against him and filed in the city clerk's office, and a copy of such charges, together with a written notice of the time and place, when and where the council will hear testimony to prove or disprove the same, shall be served upon such officer at least ten days before the time appointed for such hearing; and the officer against whom charges shall be so filed shall have the right to appear in person or by attorney, or both, at such hearing, and to examine witnesses, and present other pertinent evidence in his own behalf, and to cross-examine any witness that may be produced against him.

Vacancies.

SECTION 3. Whenever a vacancy shall occur in the office of mayor or police justice, the common council shall call and cause to be held a special election to fill such vacancy. Every special election shall be held in the same manner as annual elections, and the same notice shall be given as is required to be given of annual elections. Whenever a vacancy shall occur in any office other than that of mayor or police justice, the common council shall fill such vacancy by appointment at its next regular meeting after such vacancy

occurs, or at a special meeting to be called for that purpose. Every person elected or appointed to fill a vacancy shall hold the office to which he shall have been elected or appointed for the unexpired term of his predecessor, and until his successor shall be elected or appointed and qualified.

CHAPTER VI.

SECTION 1. Every person elected or appointed to fill any office under this act shall, before he enters upon the discharge of the duties of his office, take and subscribe an oath of office, to the effect that he will faithfully discharge the duties of his office, and will support the constitution of the United States and the constitution of the state of Wisconsin and the laws thereof, which oath shall be duly certified by the officer administering the same, and filed with the city clerk; and the treasurer, police justice, marshal and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Fort Atkinson a bond in such sum and with such sureties as the common council may direct, and the common council may from time to time require new or additional bonds and remove from office any officer neglecting or refusing to give the same. Oaths. Bonds.

SECTION 2. The mayor, when present, shall preside over all meetings of the common council, sign all orders upon the treasurer for the payment of money, all ordinances passed, and all commissions, licenses and permits granted by the common council, and shall take care that the laws of the state and the ordinances of the city within the corporation are duly enforced and observed, and that all officers of the city discharge their respective duties. He shall from time to communicate to the common council such information and recommend such measures as he may deem advantageous to the city, and at all times give such information respecting city officers as the common council may require. In case of a riot or other disturbance or apparent necessity, he may appoint as many temporary assistant marshals as he may deem necessary. He shall have power to administer oaths or affirmations, and to take the acknowledment of deeds, and other instruments in writing, and when presiding over any meeting of the common council shall poll a vote only in case of a tie. Duties of mayor.

SECTION 3. At the first meeting of the common Duties of president.

alties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules, resolutions, orders and by-laws; and such ordinances, rules, resolutions, orders and by-laws are hereby declared to be and have the force of laws; and the municipal court of said city, and all other courts of this state, shall take judicial knowledge of all such ordinances, the same as the general laws of this state.

Fire companies and protection against fire.

SECTION 4. The common council shall have power to organize, support and maintain fire companies, hook and ladder companies, and to regulate their government; to provide all necessary engines, hose and hose carts, hooks and ladders and trucks, and all other necessary apparatus for the extinguishment of fires; and to provide the necessary buildings for the safe keeping of the same; to require the owners of all buildings to provide and keep suitable ladders and fire buckets, which are hereby declared appurtenances to the real estate, exempt from seizure or sale, in any manner for debt, separate from the real estate, and if any such owner shall neglect, after reasonable notice, to provide suitable ladders or fire buckets, the common council may procure and deliver the same to him, and in default of payment therefor, the city may recover of such owner the cost of such ladder or fire buckets, or both together, with the cost of procuring and delivering the same to him, and the costs of suit and the amount of such money shall be a lien on such real estate; to regulate the sale and storage of gunpowder and other dangerous substances; to direct the safe construction of a place for the deposit of ashes; to appoint one or more fire wardens, to enter into, at all reasonable times, and examine all dwelling houses, lots, yards, inclosures, and buildings of every description, and to cause such as may be dangerous to be put in a safe condition; to regulate the manner of putting up chimneys, stoves and stovepipes; to prevent fires, and the use of fireworks and firearms in said city, or such part thereof as it may think proper; to compel the inhabitants of such city, and all others who may be therein at the time a fire occurs, to aid in the extinguishment of fires, and to pull, break down and raze such buildings and structures, and to remove such goods or materials in the vicinity of the fire as it shall deem necessary for the purpose of preventing its communication to other buildings; to construct, maintain and preserve reser-
s, pumps, cisterns, wells and other water works,

and to regulate the use thereof, and generally to establish such other measures of prudence for the prevention and extinguishment of fires as it may deem proper.

SECTION 5. The common council shall have power, by order, ordinance, rule, resolution, regulation or by-law: Further powers of council.

1st. To adopt all requisite measures for levying and collecting taxes and assessments, in manner hereinafter provided. Taxes.

2d. To license and regulate the exhibition of common showmen, caravans, circuses, theatrical performances, or shows of any kind; to restrain, license or prohibit the keeping of or playing upon billiard tables, pigeon-hole tables, or other tables for gaming. Entertainments may be licensed, etc.

3d. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice or other games of chance for the purpose of gaming in said city, and to authorize the destruction of all instruments and devices used for the purpose of gaming. Gaming, etc.

4th. To prevent any riots, noise, disturbances, disorderly conduct or disorderly assemblages, suppress and restrain disorderly houses and houses of ill-fame, and to provide for the abatement of all nuisances under the ordinances of said city, or laws of this state, or at common law. Riots, etc.

5th. To compel the owner or occupant of any grocery, cellar, slaughter house, tallow chandler's shop, soap factory, stable, barn, privy, sewer or other unwholesome or nauseous house or place, to cleanse, remove or abate the same from time to time, as often as may be deemed necessary for the health, comfort and convenience of the inhabitants of said city. Nauseous places.

6th. To direct the location and management of slaughter houses, and to prevent the erection or occupation of the same within the limits of said city. Slaughter-houses.

7th. To prevent the incumbering of streets, sidewalks, lanes or alleys with carriages, sleighs, wagons, boxes, lumber, firewood, or any other materials or substances whatever. Encumbering of streets.

8th. To prevent horse racing, or fast or immoderate riding or driving on streets. Fast driving.

9th. To restrain the running at large of horses, cattle, mules, swine, sheep, poultry and geese, and to authorize the destraining, impounding and sale of the same. Running at large of animals.

10th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to ordinance. Dogs.

toxicating, alcoholic, vinous, fermented, malt or mixed liquors, liquids or drinks, regulate and license groceries, taverns, hotels, victualing-houses and saloons; and all persons vending or dealing in such liquors, liquids or drinks, and to revoke the same; and no person shall vend, sell, deal in, or for the purpose of evading the provisions of law or of this act, or the ordinances, rules or regulations of said city, give away any such wine, beer, cider, or intoxicating, spirituous, alcoholic, vinous, fermented, mixed or malt liquors or drinks, within such corporate limits without having first obtained a license therefor as provided by this act, the laws of this state and the ordinances of said city. Any person who shall in any manner violate any of the provisions of this section or of the ordinances or the laws herein referred to shall, on conviction thereof, be punished as provided by the laws of this state, and the ordinances of this city on that subject, and all such offenses may be prosecuted as provided by such laws and ordinances. All moneys received from such licenses shall be paid to the treasurer of said city for its use. The sum to be paid for any such license, shall not be less than fifty dollars, for a retail license, nor less than twenty-five dollars for a wholesale license. In all prosecutions for any violation of this section, or the laws or ordinances herein referred to, it shall be sufficient to allege in general terms the selling, vending, dealing in or giving away without such license of any such inhibited liquors, liquids or drinks, and the proof on the trial, of such selling, vending, dealing in or giving away to any person of any such inhibited liquors, liquids or drinks, shall be sufficient to warrant and sustain a conviction; proof that the person charged kept a bar, side-board or any thing or fixtures with bar furniture, usually used by persons vending or dealing in such inhibited liquors, liquids or drinks, and that any persons obtained or had such inhibited liquors, liquids or drinks in the room containing such bar, side-board or other furniture or fixtures, shall be *prima facie* evidence sufficient to warrant and sustain a conviction; proof that he delivered any such inhibited liquors, liquids or drinks to any person, shall also be *prima facie* evidence, sufficient to warrant and sustain a conviction for any such violation.

Restraints. 29th. The common council shall have power to prohibit any person from selling, giving or delivering to any such person, as the council may designate, any of the liquors, liquids or drinks mentioned in the pre-

ceding subdivision of this section. A notice in writing under the hand of the mayor or any alderman, or of the clerk, shall be a sufficient notice to all persons of such prohibition. A duplicate of such notice shall be filed in the office of the city clerk, and such duplicate shall be *prima facie* evidence of the contents of the same. In all prosecutions under this subdivision, proof that the person charged delivered or caused to be delivered any such inhibited liquors, liquids or drinks to the person prohibited, shall be *prima facie* evidence, sufficient to warrant and sustain a conviction in all cases.

Hawkers and peddlers.

30th. To license, regulate, restrain, or suppress hawkers, peddlers, auctioneers, so-called Cheap Johns, transient dealers and persons who travel from place to place to sell goods, wares or merchandise, and sales by hawkers, peddlers, auctioneers, so-called Cheap Johns and transient dealers and persons who travel from place to place to sell goods, wares or merchandise, within the limits of said city, and when licensed, to fix the amount to be paid for such license.

Wood, lime, etc.

31st. To provide by ordinance for the measuring or weighing of wood, lime and other articles sold in said city.

Contracts.

32d. To let by contract, to the lowest bidder, all work to be done for said city.

Removals.

33d. To remove, for good cause shown, any officer of said city.

Licenses for sale of liquor—number to be fixed.

SECTION 6. The common council shall, at its first regular meeting after the annual election in April of each year, by resolution to be entered on the records, limit and determine the number of licenses for the sale of wine, beer, cider, or spirituous, intoxicating, alcoholic, vinous, fermented, malt or mixed liquors, liquids or drinks during the ensuing year, and shall in said resolution fix the amount to be paid for each such license, which shall in no case be less than fifty dollars for retail, and twenty-five dollars for a wholesale license. Every license granted by the common council in such year, in excess of the number limited and determined in such resolution, or for less than the amount so fixed in said resolution, to be paid for each such license, shall be absolutely void, and shall confer no rights or privileges upon any one, and shall not be received as evidence for any purpose in any prosecution for selling, giving away or dealing in any inhibited liquors, liquids or drinks.

Penalties may be prescribed.

SECTION 7. In all cases in relation to which, by the

provisions of this act, the common council has power to enact or pass ordinances, resolutions or by-laws in relation to any subject, it may prescribe any penalty for the violation of such ordinance, resolution or by-law, not exceeding fifty dollars for any one offense in violation or non-observance thereof, and may also provide that in default of payment of any judgment rendered for such violation or non-observance, the person so violating any such ordinance, resolution or by-law shall be imprisoned in the common jail of Jefferson county, or such other place as the city of Fort Atkinson may provide, not exceeding fifty days for any one offense, for which purpose the said city shall have the use of the common jail of Jefferson county, and all persons committed to jail by virtue of this act or pursuant to the ordinances, resolutions or by-laws of said common council shall be under the charge of the sheriff of said county for the time for which they shall have been so committed, and shall be maintained at the expense of Jefferson county, and all persons who shall be committed to any place other than the common jail of said county, shall be under the watch, guard and supervision of such person or persons as the common council may appoint.

CHAPTER VIII.

ORDINANCES.

Style of ordinances.

SECTION 1. The style of all ordinances shall be: "The common council of the city of Fort Atkinson do ordain," etc. Every ordinance passed by the common council shall be signed by the mayor and countersigned by the clerk, but the failure of either or both of said officers to so sign or countersign any ordinance, which shall have been duly passed by said council, shall not invalidate any such ordinance.

Ordinances, etc to be published

SECTION 2. All ordinances, rules, resolutions, regulations, orders or by-laws imposing any penalty or forfeiture for the violation of their provisions, appropriating money, creating a debt or levying or assessing a tax, shall be published in a newspaper published in said city, before the same shall be in force, and within fifteen days thereafter they shall be recorded by the city clerk in a book to be provided for that purpose, but before any of said ordinances, rules, resolutions, orders or by-laws shall be recorded, the publication thereof shall be proved by the affidavit of the printer or publisher of such paper, and such affidavit shall

be recorded therewith, and the said record, as well as copies thereof duly certified by the clerk under the seal of the city, shall be received and considered in all courts and before all tribunals as sufficient evidence of passage and publication of such ordinances, rules, resolutions, regulations, orders and by-laws.

CHAPTER IX.

FINANCES AND EXPENDITURES.

SECTION 1. All moneys, credits and demands belonging to said city shall be kept by and deposited with the city treasurer, and be under the control of the common council, and shall be drawn out only upon the order of the mayor and clerk, authorized by a vote of the said council, as herein provided, and in no other manner. Funds.

SECTION 2. All fines, forfeitures and penalties accruing to said city for the violation of this act, or any ordinance, by-law, rule or regulation of said city, and all moneys received from licenses, shall be paid into the city treasury for the use of the city, and shall become a part of the general fund. Fines.

SECTION 3. All accounts and demands against the city, before the same shall be acted upon, shall be verified by affidavit to the effect that the said account or demand is just, correct and true, and that the same has not been paid, nor any part thereof. Before the final disposition of any such account or claim, the same shall be indorsed as follows: If allowed in part or in whole the word "allowed," and the amount allowed shall be endorsed thereon, and if disallowed, the word "disallowed" shall be endorsed thereon, which indorsement shall be made and signed by the clerk. A memorandum of each and every account or claim allowed by said common council, shall be entered upon the minutes of the proceedings thereof, setting forth to whom the account or claim was allowed, for what purpose, and the amount; and no account or claim against said city shall be paid until it shall have been presented to and allowed by the common council, as provided by this act, and every account or claim duly allowed in any amount, shall be filed in the clerk's office, together with the affidavit thereto attached; and every account or claim presented in any year, shall be numbered from one and upwards, and filed by the clerk in the order in which they were received. Accounts.

Money, how appropriated.

SECTION 4. No money shall be expended for any special or extraordinary purpose, unless said expenditure shall have been authorized by a vote in favor thereof by a majority of the qualified electors of said city voting at a general or special election. The ballots cast upon such questions shall contain the words "for the appropriation," or "against the appropriation" either written or printed, or partly written and partly printed, and shall be deposited in a separate box. Said ballots shall be counted, and a statement made and the result declared in the same manner as is provided in this act for the canvass of votes upon the election of officers of said city.

CHAPTER X.

ASSESSMENT AND COLLECTION OF TAXES.

Poll tax.

SECTION 1. The common council of said city shall have, and are hereby granted, power to tax annually, each male person or inhabitant within the corporate limits of said city, between the ages of twenty-one and fifty years, a sum not to exceed one dollar and fifty cents, to be appropriated to the improvement of streets, roads and crosswalks within the corporate limits of said city, which amount shall be collected by and paid to the city treasurer as hereinafter provided, and when so collected and paid, shall be expended and paid out by and under the direction of the common council, or such person or persons as the common council may appoint.

Poll tax list.

SECTION 2. The clerk of said city shall, on or before the second Monday in May of each and every year, make and present to the common council, a list of the names of all male persons between the ages of twenty-one and fifty years, who may be residents of said city on such second Monday in May. The names on said list shall be arranged by wards, so as to conform to the wards provided for in this act, and so that the names of the residents of each ward shall appear in said list in a group by themselves; but any mistake in grouping said names shall in no respect interfere with or prejudice the collection of the amount which the common council may have directed to be collected. The common council shall thereupon correct such list if it shall be necessary, by adding or striking out names, so that the said list shall contain the names of every male person between the ages of twenty one and fifty years, who are residents of said city, and may also strike from

said list the name of any person who, in its judgment may be unable to pay the said tax. When said list shall have been corrected as herein provided, the clerk of said city shall affix thereto the ordinance or resolution fixing the amount to be paid, and shall carry out the amount to be paid, opposite to each person's name on said list, and shall thereupon deliver said corrected list, with said ordinance or resolution thereto affixed, to the treasurer of said city for collection.

Collection of tax.

SECTION 3. As soon as the city treasurer receives said corrected list, as provided in the preceding section, he shall proceed to collect the same. He shall demand of each person named in said list the amount set opposite his name therein, and if any such person neglects to pay the same for ten days after such demand, an action may be brought against such person for the amount of said tax, with damages, as hereinafter provided. If the treasurer finds that any person or person's name has been left off the list that should appear thereon, under the provisions of this act, he shall put the name of such person or persons on the list, and the proper amount opposite thereto, and demand the same of such person or persons; and the money may be collected of such person or persons, the same as if his or their names had originally been placed on said list by the clerk.

City may sue.

SECTION 4. If any person, whom a tax of not to exceed one dollar and fifty cents for highway, road, or crosswalk purposes, is assessed or required, as appears by said list, shall for the space of ten days after demand shall have been made of him by the treasurer, as hereinbefore provided, neglect or refuse to pay the same as required by ordinance or resolution of the common council, the said city, in its corporate name, may sue for and collect of such persons the amount of such tax, with fifty per cent. damages on the same, together with costs of suit, before the police justice herein provided for, or before any justice of the peace of Jefferson county; and in case the judgment rendered in such action is not paid, execution shall issue thereon against the body of the defendant in such action.

Return of list.

SECTION 5. On the first Monday in October in each and every year, or sooner, if required by the common council, the treasurer shall return said list to the common council, with a statement under his oath thereto attached, which statement shall contain the names of all persons on said list from whom he has received the tax, the amount received from each, the total amount

Pounds.

11th. To make and establish a pound, and to appoint a poundmaster.

Putrid substances.

12th. To prevent any person from bringing, depositing or leaving within said city any putrid carcasses, or other unwholesome substances, and to require the removal of the same by any person who shall have upon his premises any such substances, and in default of such person removing the same, to authorize the removal thereof by some competent officer, at the expense of such person.

Stagnant water

13th. To require the owner of any lot or lots upon which there shall be any stagnant water, if deemed necessary for the health or welfare of the inhabitants of the city or any part thereof, to fill up such lots, so as to prevent water from standing thereon, and in case any owner shall neglect so to fill up said lot or lots, after thirty days notice being served upon him personally, or posted at some public place in the vicinity of said lot or lots, or at the postoffice in said city, the said common council may cause the same to be done, and may levy and collect a tax on such lot or lots sufficient to pay the expense of so filling such lot or lots exclusive of the costs of giving such notice, in like manner as other corporation taxes are levied and collected.

Obstruction of sidewalks.

14th. To compel the owners or occupants of lots or parts of lots or lands to remove snow, ice, dirt, or rubbish from sidewalks, streets or alleys opposite to such lots or parts of lots or lands, and in default of such owners or occupants removing of the same, to authorize the removal thereof by some officer of the city, at the expense of such owner or occupants, and to levy and collect tax upon such lots or parts of lots or lands to pay such expense, in like manner as other corporation taxes are levied and collected.

Boards of health, etc.

15th. To establish and regulate boards of health, to provide hospitals and cemetery grounds, regulate the burial of the dead and the returns of bills of mortality, and to exempt burying grounds set apart for public use from taxation.

Improvements.

16th. To make, lay out, keep in repair, grade, improve, alter, widen, vacate or discontinue streets, lanes, alleys, public squares, sewers and sidewalks, to keep them free from incumbrances, and protect them from injury; and also to protect, maintain and regulate the setting out of shade and ornamental trees on the public squares or in the streets of said city.

Protection of sidewalks.

17th. To prevent all persons riding or driving any horse, ox, mule, cattle or other animals on the sidewalks in said city.

18th. To regulate the police of the city, to appoint watchmen and firemen, prescribe their duties, fix their compensation and punish their delinquencies. **Police.**

19th. To provide for the cleaning out of rivers in said city, of driftwood, and other obstructions, and to prevent any person from placing in either of said rivers any article of wood, stone, earth, or other substance which may retard the flow of water, or fill up or obstruct the bed of either of said rivers, or which may be prejudicial to the health of said city. **Rivers.**

20th. To regulate the taking of ice from the rivers in said city, to designate the locations therein from which ice may taken, and to prohibit the taking of ice from any other localities therein than such as are thus designated. **Ice.**

21st. To call regular and special meetings of the voters of said city, prescribe the compensation of the clerk and other officers whose compensation is not herein fixed; to examine, audit and adjust the accounts of all persons; but the members of the common council shall receive no compensation whatever for their services as officers of the city. **Meetings, etc.**

22d. To prohibit the erection or construction of wooden buildings on such streets, alleys or blocks, or parts of streets, alleys or blocks, as the public safety may, in its judgment, seem to require. **Wooden buildings.**

23d. To insure the public property of said city. **Insurance.**

24th. To restrain drunkards, immoderate drinking or obscenity in the streets or other place in said city, and to provide for the arresting, removing and punishing of any person who may be guilty of the same, and to restrain and punish vagrants. **Drunkards.**

25th. To direct in the prosecution and defense of actions in which said city may be a party, or otherwise interested, and employ council for that purpose to assist the city attorney. **Direction of prosecution.**

26th. To procure the necessary blank books for records, accounts, orders, etc., and such stationery as may be required for city purposes. **Blank-books, etc.**

27th. To regulate and control the running of engines and cars through said city, and the rate and speed of the same, and to prevent the encumbering of streets, lanes, alleys, highways, sidewalks and crosswalks with railway cars or engines, or any other substance or materials pertaining to railways. **Railways.**

28th. The common council shall have exclusive authority within the corporate limits of the city, to grant licenses for selling wine, beer, cider or spirituous, in- **Relating to liquors.**

toxicating, alcoholic, vinous, fermented, malt or mixed liquors, liquids or drinks, regulate and license groceries, taverns, hotels, victualing-houses and saloons; and all persons vending or dealing in such liquors, liquids or drinks, and to revoke the same; and no person shall vend, sell, deal in, or for the purpose of evading the provisions of law or of this act, or the ordinances, rules or regulations of said city, give away any such wine, beer, cider, or intoxicating, spirituous, alcoholic, vinous, fermented, mixed or malt liquors or drinks, within such corporate limits without having first obtained a license therefor as provided by this act, the laws of this state and the ordinances of said city. Any person who shall in any manner violate any of the provisions of this section or of the ordinances or the laws herein referred to shall, on conviction thereof, be punished as provided by the laws of this state, and the ordinances of this city on that subject, and all such offenses may be prosecuted as provided by such laws and ordinances. All moneys received from such licenses shall be paid to the treasurer of said city for its use. The sum to be paid for any such license, shall not be less than fifty dollars, for a retail license, nor less than twenty-five dollars for a wholesale license. In all prosecutions for any violation of this section, or the laws or ordinances herein referred to, it shall be sufficient to allege in general terms the selling, vending, dealing in or giving away without such license of any such inhibited liquors, liquids or drinks, and the proof on the trial, of such selling, vending, dealing in or giving away to any person of any such inhibited liquors, liquids or drinks, shall be sufficient to warrant and sustain a conviction; proof that the person charged kept a bar, side-board or any thing or fixtures with bar furniture, usually used by persons vending or dealing in such inhibited liquors, liquids or drinks, and that any persons obtained or had such inhibited liquors, liquids or drinks in the room containing such bar, side-board or other furniture or fixtures, shall be *prima facie* evidence sufficient to warrant and sustain a conviction; proof that he delivered any such inhibited liquors, liquids or drinks to any person, shall also be *prima facie* evidence, sufficient to warrant and sustain a conviction for any such violation.

Restraints. 29th. The common council shall have power to prohibit any person from selling, giving or delivering to any such person, as the council may designate, any of the liquors, liquids or drinks mentioned in the pre-

ceding subdivision of this section. A notice in writing under the hand of the mayor or any alderman, or of the clerk, shall be a sufficient notice to all persons of such prohibition. A duplicate of such notice shall be filed in the office of the city clerk, and such duplicate shall be *prima facie* evidence of the contents of the same. In all prosecutions under this subdivision, proof that the person charged delivered or caused to be delivered any such inhibited liquors, liquids or drinks to the person prohibited, shall be *prima facie* evidence, sufficient to warrant and sustain a conviction in all cases.

Hawkers and peddlers.

30th. To license, regulate, restrain, or suppress hawkers, peddlers, auctioneers, so-called Cheap Johns, transient dealers and persons who travel from place to place to sell goods, wares or merchandise, and sales by hawkers, peddlers, auctioneers, so-called Cheap Johns and transient dealers and persons who travel from place to place to sell goods, wares or merchandise, within the limits of said city, and when licensed, to fix the amount to be paid for such license.

Wood, lime, etc.

31st. To provide by ordinance for the measuring or weighing of wood, lime and other articles sold in said city.

Contracts.

32d. To let by contract, to the lowest bidder, all work to be done for said city.

Removals.

33d. To remove, for good cause shown, any officer of said city.

Licenses for sale of liquor—number to be fixed.

SECTION 6. The common council shall, at its first regular meeting after the annual election in April of each year, by resolution to be entered on the records, limit and determine the number of licenses for the sale of wine, beer, cider, or spirituous, intoxicating, alcoholic, vinous, fermented, malt or mixed liquors, liquids or drinks during the ensuing year, and shall in said resolution fix the amount to be paid for each such license, which shall in no case be less than fifty dollars for retail, and twenty-five dollars for a wholesale license. Every license granted by the common council in such year, in excess of the number limited and determined in such resolution, or for less than the amount so fixed in said resolution, to be paid for each such license, shall be absolutely void, and shall confer no rights or privileges upon any one, and shall not be received as evidence for any purpose in any prosecution for selling, giving away or dealing in any inhibited liquors, liquids or drinks.

Penalties may be prescribed.

SECTION 7. In all cases in relation to which, by the

provisions of this act, the common council has power to enact or pass ordinances, resolutions or by-laws in relation to any subject, it may prescribe any penalty for the violation of such ordinance, resolution or by-law, not exceeding fifty dollars for any one offense in violation or non-observance thereof, and may also provide that in default of payment of any judgment rendered for such violation or non-observance, the person so violating any such ordinance, resolution or by-law shall be imprisoned in the common jail of Jefferson county, or such other place as the city of Fort Atkinson may provide, not exceeding fifty days for any one offense, for which purpose the said city shall have the use of the common jail of Jefferson county, and all persons committed to jail by virtue of this act or pursuant to the ordinances, resolutions or by-laws of said common council shall be under the charge of the sheriff of said county for the time for which they shall have been so committed, and shall be maintained at the expense of Jefferson county, and all persons who shall be committed to any place other than the common jail of said county, shall be under the watch, guard and supervision of such person or persons as the common council may appoint.

CHAPTER VIII.

ORDINANCES.

Style of ordinances.

SECTION 1. The style of all ordinances shall be: "The common council of the city of Fort Atkinson do ordain," etc. Every ordinance passed by the common council shall be signed by the mayor and countersigned by the clerk, but the failure of either or both of said officers to so sign or countersign any ordinance, which shall have been duly passed by said council, shall not invalidate any such ordinance.

Ordinances, etc to be published

SECTION 2. All ordinances, rules, resolutions, regulations, orders or by-laws imposing any penalty or forfeiture for the violation of their provisions, appropriating money, creating a debt or levying or assessing a tax, shall be published in a newspaper published in said city, before the same shall be in force, and within fifteen days thereafter they shall be recorded by the city clerk in a book to be provided for that purpose, but before any of said ordinances, rules, resolutions, orders or by-laws shall be recorded, the publication thereof shall be proved by the affidavit of the printer or publisher of such paper, and such affidavit shall

be recorded therewith, and the said record, as well as copies thereof duly certified by the clerk under the seal of the city, shall be received and considered in all courts and before all tribunals as sufficient evidence of passage and publication of such ordinances, rules, resolutions, regulations, orders and by-laws.

CHAPTER IX.

FINANCES AND EXPENDITURES.

SECTION 1. All moneys, credits and demands belonging to said city shall be kept by and deposited with the city treasurer, and be under the control of the common council, and shall be drawn out only upon the order of the mayor and clerk, authorized by a vote of the said council, as herein provided, and in no other manner. Funds.

SECTION 2. All fines, forfeitures and penalties accruing to said city for the violation of this act, or any ordinance, by-law, rule or regulation of said city, and all moneys received from licenses, shall be paid into the city treasury for the use of the city, and shall become a part of the general fund. Fines.

SECTION 3. All accounts and demands against the city, before the same shall be acted upon, shall be verified by affidavit to the effect that the said account or demand is just, correct and true, and that the same has not been paid, nor any part thereof. Before the final disposition of any such account or claim, the same shall be indorsed as follows: If allowed in part or in whole the word "allowed," and the amount allowed shall be endorsed thereon, and if disallowed, the word "disallowed" shall be endorsed thereon, which indorsement shall be made and signed by the clerk. A memorandum of each and every account or claim allowed by said common council, shall be entered upon the minutes of the proceedings thereof, setting forth to whom the account or claim was allowed, for what purpose, and the amount; and no account or claim against said city shall be paid until it shall have been presented to and allowed by the common council, as provided by this act, and every account or claim duly allowed in any amount, shall be filed in the clerk's office, together with the affidavit thereto attached; and every account or claim presented in any year, shall be numbered from one and upwards, and filed by the clerk in the order in which they were received. Accounts.

Money, how appropriated.

SECTION 4. No money shall be expended for any special or extraordinary purpose, unless said expenditure shall have been authorized by a vote in favor thereof by a majority of the qualified electors of said city voting at a general or special election. The ballots cast upon such questions shall contain the words "for the appropriation," or "against the appropriation" either written or printed, or partly written and partly printed, and shall be deposited in a separate box. Said ballots shall be counted, and a statement made and the result declared in the same manner as is provided in this act for the canvass of votes upon the election of officers of said city.

CHAPTER X.

ASSESSMENT AND COLLECTION OF TAXES.

Poll tax.

SECTION 1. The common council of said city shall have, and are hereby granted, power to tax annually, each male person or inhabitant within the corporate limits of said city, between the ages of twenty-one and fifty years, a sum not to exceed one dollar and fifty cents, to be appropriated to the improvement of streets, roads and crosswalks within the corporate limits of said city, which amount shall be collected by and paid to the city treasurer as hereinafter provided, and when so collected and paid, shall be expended and paid out by and under the direction of the common council, or such person or persons as the common council may appoint.

Poll tax list.

SECTION 2. The clerk of said city shall, on or before the second Monday in May of each and every year, make and present to the common council, a list of the names of all male persons between the ages of twenty-one and fifty years, who may be residents of said city on such second Monday in May. The names on said list shall be arranged by wards, so as to conform to the wards provided for in this act, and so that the names of the residents of each ward shall appear in said list in a group by themselves; but any mistake in grouping said names shall in no respect interfere with or prejudice the collection of the amount which the common council may have directed to be collected. The common council shall thereupon correct such list if it shall be necessary, by adding or striking out names, so that the said list shall contain the names of every male person between the ages of twenty one and fifty years, who are residents of said city, and may also strike from

said list the name of any person who, in its judgment may be unable to pay the said tax. When said list shall have been corrected as herein provided, the clerk of said city shall affix thereto the ordinance or resolution fixing the amount to be paid, and shall carry out the amount to be paid, opposite to each person's name on said list, and shall thereupon deliver said corrected list, with said ordinance or resolution thereto affixed, to the treasurer of said city for collection.

Collection of tax.

SECTION 3. As soon as the city treasurer receives said corrected list, as provided in the preceding section, he shall proceed to collect the same. He shall demand of each person named in said list the amount set opposite his name therein, and if any such person neglects to pay the same for ten days after such demand, an action may be brought against such person for the amount of said tax, with damages, as hereinafter provided. If the treasurer finds that any person or person's name has been left off the list that should appear thereon, under the provisions of this act, he shall put the name of such person or persons on the list, and the proper amount opposite thereto, and demand the same of such person or persons; and the money may be collected of such person or persons, the same as if his or their names had originally been placed on said list by the clerk.

City may sue.

SECTION 4. If any person, whom a tax of not to exceed one dollar and fifty cents for highway, road, or crosswalk purposes, is assessed or required, as appears by said list, shall for the space of ten days after demand shall have been made of him by the treasurer, as hereinbefore provided, neglect or refuse to pay the same as required by ordinance or resolution of the common council, the said city, in its corporate name, may sue for and collect of such persons the amount of such tax, with fifty per cent. damages on the same, together with costs of suit, before the police justice herein provided for, or before any justice of the peace of Jefferson county; and in case the judgment rendered in such action is not paid, execution shall issue thereon against the body of the defendant in such action.

Return of list.

SECTION 5. On the first Monday in October in each and every year, or sooner, if required by the common council, the treasurer shall return said list to the common council, with a statement under his oath thereto attached, which statement shall contain the names of all persons on said list from whom he has received the tax, the amount received from each, the total amount

received from all, the names of all persons on said list from whom he has not received such tax, and the date of demanding such tax from each of such delinquent persons: *provided, however*, that in case any person be named on said list of whom a demand has not been made, the treasurer shall state the reason why the demand was not made.

Special highway tax.

SECTION 6. In case the highway tax provided for in the preceding section of this chapter, shall not, in the judgment of the common council, be sufficient to improve and keep in repair the streets, roads, highways and crosswalks of said city, the common council shall have full power to levy and collect on all the taxable property of said city an additional tax for that purpose.

Tax, how expended.

SECTION 7. All highway taxes assessed or payable on property or persons resident or living within said city, shall be assessed, collected and expended by the order of the common council of said city, or under its directions, and the said council may expend the same on any street, road, highway or crosswalk therein. The said common council shall also have the power to expend and lay out upon any highway in the town of Koshkonong which leads into said city, a portion of the tax assessed, not to exceed one-third thereof in any one year, when in the judgment of the common council it will be for the interest of said city so to do.

Overseer of highways.

SECTION 8. No overseer of highways shall be elected for the town of Koshkonong or any highway tax be levied or assessed by said town, within the limits of said city, and the said town shall have no jurisdiction or control over the streets or highways within said city, except for the purpose of building and keeping in repair the bridges therein; and it shall be the duty of said town to build and keep in repair the bridges within the city of Fort Atkinson.

Taxes, on what levied.

SECTION 9. All taxes raised and collected in said city of Fort Atkinson, either general or special, for any purpose authorized by this act, shall be levied and assessed upon the same kinds of property, real and personal, within the corporate limits of said city, as taxes for town, county and state purposes are levied and assessed.

Corporation tax

SECTION 10. The common council of said city shall on or before the first Monday of November in each year by resolution, to be entered on the records, determine the amount of corporation tax for all purposes to be levied and assessed on the taxable property within the

corporation limits of said city for that year: *provided, however*, that the total amount of such tax shall not in any one year exceed three mills on the dollar of the assessed valuation of the taxable property in said city as it appears upon the assessment roll for that year, unless a greater sum shall have been authorized to be raised by a vote in favor of such greater sum, of a majority of the qualified electors of said city, had and taken in the manner provided in section four of chapter nine of this act. The clerk of said city shall, on or before the third Monday of the said month of November, in each year, deliver to the town clerk of the town in which said city is situated, a certified copy, under his signature of all resolutions of said common council, determining the amount of taxes, general and special to be levied and assessed in said city for that year, together with a description of the territory included within the corporate limits of said city.

Tax, how apportioned and collected.

SECTION 11. The town clerk or other proper officer, as the case may be, of the town in which said city is situated, shall assess, apportion and carry out such corporation tax, pro rata, according to the dollar valuation upon all the real and personal property in said city liable therefor, in a separate column, in the tax and assessment roll and warrant of his town next thereafter issued and delivered to the town treasurer of his town for collection, in the same manner as he shall assess, apportion and carry out the town, county and state taxes; and if for any reason such corporation taxes shall not be assessed, apportioned and carried out in the next assessment roll, as herein provided, it shall, or may be, assessed, apportioned, carried out and collected in that of any succeeding year. The said corporation taxes shall be in all respects collected or returned delinquent, in the same manner as town, county and state taxes are collected or returned delinquent by law, and when collected shall be paid over by every officer collecting or receiving the same to the treasurer of said city. Any officer or person who shall neglect or refuse on demand, to pay over to the treasurer of said city, any such corporation taxes, when collected or received by him in any manner, shall be liable to an action therefor, with twenty-five per cent. damages, to be added thereto, to be sued for and recovered by said city in its corporate name, both against such defaulting or other person and his sureties.

Assessment.

SECTION 12. The town assessor of the town in which said city is situated, in assessing the taxable

property in his town in each year, shall assess the taxable property, real and personal, within the corporate limits of said city, in one continuous part of his assessment roll, and foot up the valuation of all the items of property owned and valued by him within said limits.

CHAPTER XI.

LAYING OUT, OPENING, ENLARGEMENT OF STREETS, ETC.

Application for opening of streets.

SECTION 1. The common council shall have the power to lay out, open, widen and enlarge public squares, grounds, streets and alleys, as follows: Whenever ten or more freeholders, residing in said city, shall, by petition, represent to the common council that it is necessary to take certain lands, within said city, for the purpose of laying out any public square, grounds, street or alley, or the enlargement or widening of the same, and shall state, in such petition, the courses and distances, routes and bounds of the land proposed to be taken, together with the names and residences of the owners of such lands, if the same shall be known to the petitioners, the common council shall thereupon cause notice of such application to be given to such owners as well as the occupant or occupants of said lands, if any there be, by causing notice thereof to be published for two weeks, at least once in each week, in a newspaper published in said city.

Action upon application.

SECTION 2. Such notice shall describe, as near as may be, the land proposed to be taken, and shall state that at a time and place therein to be named, not less than ten days from the expiration of the two weeks' publication of such notice, the common council will take action upon such petition. At the time and place fixed in such notice, the common council shall take action upon such petition, and in case the common council shall decide to lay out, open, widen or enlarge any such public square, grounds, street or alley, as requested by such petition, the common council shall pay to the owner or owners of any land or lots taken for such purpose such damages as may be sustained in consequence thereof.

How damages are to be ascertained.

SECTION 3. Such damages shall be ascertained by six freehold electors of the said city, who shall be summoned by the police justice of the said city, and shall determine the amount of such damages as a jury. They shall be selected as follows: The police justice of said city shall make out a list of the names of eighteen persons known to him to be freeholder electors of said

city, and the mayor or attorney of the said city, and the party claiming damages, shall select such jury from such list so made out by the police justice in the same manner that a jury is selected in civil cases before justices of the peace; and such jury shall be summoned by said police justice in the same manner as a jury is summoned in justice courts, and such jury shall be sworn by such police justice truly to ascertain, upon actual view, the amount of such damages. They shall take into consideration the benefit, if any, as well as the damage, from the laying out, opening, enlarging or widening of such street, alley or public square or grounds to the party claiming damages, and they, or a majority of them, shall make an award in writing, over their signatures, of such damages, if any, within twenty-four hours, and such award shall be binding upon the city and the party claiming such damages, and shall be filed in the office of the city clerk.

Vacation of streets.

SECTION 4. Upon petition in writing of all the owners of lots or land on any street or alley in said village, the common council of said city shall have power to discontinue such street or alley or any part thereof, but not otherwise.

Notice of petition.

SECTION 5. Upon such petition being presented to the common council before the same shall be acted upon, the said common council shall cause a notice to be posted for two weeks, at least, in three public places in said city, or to be published two weeks in some newspaper published in said city, which notice shall state what street or alley or what portion thereof is proposed to be vacated or discontinued, and when the said petition will be acted upon.

CHAPTER XII.

CONSTRUCTION, REPAIR AND RECONSTRUCTION OF SIDEWALK.

Sidewalks.

SECTION 1. The common council shall have the power by vote of two-thirds of all the members of the common council, to order the building, construction, reconstruction or repair of sidewalks in the city of Fort Atkinson, in such manner as they may deem proper: *provided, however*, that when any member of the common council shall offer a resolution for the construction of any sidewalk in said city, the resolution shall be referred to the proper committee and lie over until the next regular meeting. Such resolution shall describe the street or part of street along which, and

the lot or part of lot and block opposite which it is proposed to construct such sidewalk, and shall give the names of the owners of the lots or parts of lots or land on such street, part of street, or block, so far as they shall be known to the member offering such resolution, and designate the lots, parts of lots, or land, owned by each such owner.

Order for sidewalks.

SECTION 2. At its next regular meeting after such resolution shall have been so offered and referred, action shall be had by the common council thereon, and if such resolution be adopted by said common council, an order shall be entered among its records requiring a sidewalk to be constructed along such street or part of street, and opposite such lot or part of lot or lands described in said resolution. The common council in such order shall designate and determine the street or part of street along which, and the lot or lots, or parts of lot or lots or lands opposite which such sidewalk shall be so constructed, and the time within which the owner or owners of such lots, parts of lots or lands along such street or part of street, shall construct the same, and shall further declare therein that in case the owner or owners of any such lot or lots, or parts of lots, or of any such lands, shall fail to so construct such sidewalk opposite the lot or lots, or part of lot or lots, or lands so owned by him or them, within the time limited in said order, the city will construct such part thereof as such owner or owners have so failed to construct, and charge the cost thereof to the lot or lots, or part of lot or lots, or lands, opposite which the city shall have so constructed such sidewalks.

Service of order to construct sidewalks.

SECTION 3. Within three days after said order shall have been entered as aforesaid, the marshal of said city shall serve the same upon all the owners of the lot or lots, or parts of lot or lots, or lands, opposite which such sidewalk is to be constructed, personally or by leaving a true copy thereof at the usual place of abode of such owners in said city. In case any owner or owners of any such lot or lots, or part of lot or lots, or of such lands, shall not reside in said city, or his or their name or names shall be unknown to the marshal, then such order shall be served on such non-resident or unknown owner or owners, by publishing the same in some newspaper published in said city, at least once, and at least ten days before the expiration of the time limited in said order for the construction of such sidewalk. As soon as the marshal shall have completed the service of said

order as herein provided, he shall make and file with the city clerk his return of service, in which he shall state the time, place and manner of service thereof, and in case the said order shall have been published, as hereinbefore provided, he shall attach to his return, and file therewith the affidavit of the publication thereof, in the usual form, subscribed and sworn to by the printer or publisher of the newspaper in which such order shall have been so published.

Owner may construct sidewalk.

SECTION 4. At any time after said order shall have been so entered by the common council as hereinbefore provided, and within the time therein limited therefor, the owner or owners of the lots or parts of lots or lands opposite which such sidewalk is to be constructed may, at their own expense and in the manner, and of the width and material designated in such order, construct such sidewalk opposite the said lot or lots or part of lot or lots or lands, owned by them respectively.

Report by street commissioner.

SECTION 5. Within three days after the expiration of the time limited in such order for constructing such sidewalk, the street commissioner of said city shall examine the street, part of street or side of block, along which such sidewalk shall have been ordered to be so constructed, and within said three days shall make and file with the city clerk a report in writing signed by him, as to the construction of the same. He shall state in such report what part of said sidewalk, if any, has been, and what part, if any, has not been, constructed in conformity with such order, and shall describe the lots or parts of lots or lands, if any, opposite which the sidewalk has been so constructed, as well as the lots, parts of lots or lands, if any, along which it has not been so constructed.

Should owner fail to construct

SECTION 6. If it shall appear by such report of the street commissioner that any part of such sidewalk has not been constructed in conformity with the order aforesaid, the common council shall, at its next regular or special meeting after such report shall have been made and filed, direct the street commissioner to proceed at once to construct, in conformity with said order, such part of said sidewalk as said report shows has not been so constructed, and the said street commissioner shall thereupon proceed at once so to construct such part of such sidewalk.

Statement of cost.

SECTION 7. Immediately upon completing his work, the street commissioner shall make and file with the city clerk a statement in writing, subscribed and sworn

to by him, in which he shall state the total expense actually incurred by him in so constructing that part of said sidewalk so constructed by him; and also the actual expense incurred by him in so constructing that part of such sidewalk in front of each lot, or part of lot, or land, opposite which it appears by his report, the owner or owners of such lot or part of lot, or land, had failed as aforesaid to construct such sidewalk.

Special tax levy

SECTION 8. At its next regular or special meeting after such statement shall have been so filed, the common council shall by resolution levy and assess upon each lot or part of lot, or lands, opposite which any sidewalk or part of sidewalk shall have been so constructed by said street commissioner, as appears by his said statement, a special tax sufficient to pay the actual expense incurred in so constructing the same as appears by said statement; and said resolution shall describe each of such lots, or parts of lots or lands, state the names of the owners thereof, when known, and give the amount of such tax so levied and assessed upon each such lot, or parts of lots or lands.

Special tax resolution.

SECTION 9. On the third Monday in November of each year the clerk of said city shall make and deliver to the town clerk of the town in which said city shall be situated a copy, under his hand and the corporate seal of said city, of every resolution levying any such special tax which shall have been passed by the common council during the year immediately preceding that day.

Special tax to be placed in tax roll.

SECTION 10. The town clerk of said town shall insert in a separate column in the tax list of his town next thereafter to be delivered to the town treasurer of his town for collection, and opposite to the description therein of each of said lots or parts of lots, or lands, the amount of such special tax properly chargeable thereto as appears by the copy of such resolution or resolutions so delivered to him as aforesaid; and the said special taxes shall be collected or returned delinquent in the same manner as town, county and state taxes are collected or returned delinquent by law; and the lots, or parts of lots or lands upon which such special taxes may be so levied and assessed may be sold and conveyed for the nonpayment thereof, in the same manner and with the same effect as if said special tax had been a general town, county or state tax.

Repair of sidewalks.

SECTION 11. Whenever it shall be necessary in the opinion of the common council to repair or reconstruct any sidewalk, the common council may cause such

sidewalk to be repaired or reconstructed at the expense of the owners of the lots or lands abutting on such sidewalk, in the same manner as it is authorized to construct new sidewalks: *provided, however*, that when any sidewalk shall be in an immediately dangerous condition, and the cost of repairing the same opposite any lot or piece of land shall not exceed three dollars, the street commissioner shall forthwith notify the owner of the lot or land abutting on such dangerous sidewalk, if a resident of said city, to repair such sidewalk, and if such owner shall not at once proceed to repair the same, the street commissioner shall at once repair such dangerous sidewalk, and the the costs of such repairs shall be levied upon and collected from the lots or lands abutting on such dangerous sidewalk, in the same manner as the cost of constructing new walks are levied and collected from the lots and lands abutting thereon.

CHAPTER XIII.

JUDICIAL.

SECTION 1. There is hereby created and established a municipal court in the said city of Fort Atkinson, to be styled the police court of the city of Fort Atkinson. The person elected police justice of or in said city, shall hold and preside over said court, and shall have power to administer oaths and affirmations, and to take and certify acknowledgments and proofs of the execution of deeds and other instruments in writing relating to real estate, or other matters required to be acknowledged or recorded, or both. As a judicial officer and court, the said police court and justice thereof, shall have and possess, within the corporate limits of said city, all the authority, jurisdiction, power and rights of justices and justices' courts of this state, and the powers of said police justice, within said corporate limits, shall be co-equal and co-ordinate over and of all civil and criminal actions under the laws of this state, with that of the several justices of the peace of Jefferson county, and he shall have exclusive jurisdiction of all actions and causes for the violation of any ordinance, by-laws, rule, resolution or regulation of said city under this act, and he shall receive the same fees as a justice of the peace under the laws of this state receives for his services, but the said city shall not be liable for his fees, except such as shall accrue in prosecutions or actions brought for the violation of the provisions of

Police justice.

this act, or of the ordinances, by-laws, rules, or regulations of said city. Appeals and writs of *certiorari* may be taken from the decisions or judgments of the said police justice, in the same manner and with the same effectual force as from judgments of justices of the peace under the laws of this state.

Term of office.

SECTION 2. The first police justice under the provisions of this act shall be elected on the second Tuesday of April, 1878, and shall hold his office for two years, and until his successor shall be elected and qualified. In case of the sickness, absence or other temporary inability of the police justice to discharge the duties of his office, the mayor of said city may, in writing, designate any justice of the peace of the town of Koshkonong to act as such police justice, and the justice so designated shall, while such inability continues, possess all the powers, rights and authority of the police justice, and while so acting as such police justice, shall be styled acting police justice of the city of Fort Atkinson.

CHAPTER XIV.

ACTIONS TO RECOVER PENALTIES, ETC.

May sue in corporate name.

SECTION 1. The city of Fort Atkinson, in its corporate name, may sue for and recover any and all fines, penalties and forfeitures under this act, or under the ordinances, by-laws, or police or health regulations made in pursuance thereof, or now in force, and not inconsistent with this act, and such action shall be commenced by complaint substantially in the following form:

Form of complaint.

FORM OF COMPLAINT.

—— Court—Jefferson county—City of Fort Atkinson.

—— ——
against } Before
—— ——. } —— ——.

State of Wisconsin,
County of Jefferson, } ss.

—— ——, being duly sworn, complains on oath to —— ——, says that he, this complainant, knows or has good reason to believe, that —— ——, on the —— day of ——, A. D. 187—, at said city, did violate section —— of chapter —— of a general ordinance of the city of Fort Atkinson, entitled "an ordinance——," which said ordinance is now in force, and was then and there guilty of ——, as the complainant verily believes, and prays that —— —— may be arrested and held to answer therefcr.

Subscribed and sworn to before me, this ——day of ——, A. D. 187—.

——— ———.

It shall be sufficient to give the number of the section or sections, and the title of the ordinance, by-law or resolution violated, in the complaint, and such complaint may be sworn to before any officer authorized to administer oaths in this state. Upon the filing of such complaint in the office of the police justice within and for the city of Fort Atkinson, such police justice shall issue a warrant thereon substantially as follows, to-wit: Designation of law violated.

FORM OF WARRANT. Form of warrant.

COUNTY OF JEFFERSON, } ss:
City of Fort Atkinson, }

The state of Wisconsin, to the sheriff or any constable of said county, or public officer of the city of Fort Atkinson:

WHEREAS, —— —— has this day complained to me in writing, on oath, that —— on the —— day of ——, 187—, at said city, did violate section —— of chapter —— of a general ordinance of the city of Fort Atkinson, entitled "an ordinance ——," which said ordinance is now in force, and was then and there guilty of ——, as the complainant verily believes ——.

Therefore, in the name of the state of Wisconsin, you are commanded to arrest the said —— ——, and bring —— before me to answer to the city of Fort Atkinson, on the complaint aforesaid.

Given under my hand at Fort Atkinson, this —— day of ——, 18—.

——— ———.

Upon the return of the warrant the court may proceed summarily with the case, unless it be continued by consent or for cause, or by order of the court. If the case be adjourned, the defendant, if required by the court so to do, shall recognize, with sufficient surety for his appearance, in such sum as the court shall direct, or in default thereof may be put in charge of the officer who made the arrest or committed to the common jail of Jefferson county, or to such other place of confinement as may be provided by the common council. The complaint made as aforesaid shall stand in lieu of a declaration, and the plea of "not guilty" shall put at issue all subject matter of the complaint. Duty of justice.

SECTION 2. A printed copy of an ordinance, by-law or regulation passed by the common council and pub- Evidence.

lished in an official newspaper, or in pamphlet or book form, purporting to be published by authority of the common council, shall be *prima facie* evidence of its due passage and publication, and shall be received in evidence on trial of all cases cognizable before the courts of this state.

Witnesses shall attend before police justice without tender of fees.

SECTION 3. Witnesses shall attend before the police justices in and for the city of Fort Atkinson, in all actions for the violation of any ordinance, by-law or regulation of said city, without the payment of fees in advance or a tender thereof, upon process duly served, and in default thereof, their attendance may be compelled by attachment.

Jury.

SECTION 4. In city prosecutions for the violation of any ordinance, by-law or regulation of said city, a jury shall be allowed either party, as in civil actions in justices courts, and the finding of the court or jury shall be "guilty" or "not guilty;" if "guilty," the court shall render judgment thereon against the defendant, and adjudge that the defendant pay the fine, penalty or forfeiture contained in the ordinance, by-law, resolution or regulation for the violation of which the defendant shall have been found guilty, and for the costs of the suit upon such conviction, and in default of payment of such judgment, fine, penalty or forfeiture, and the costs, the court shall adjudge and determine and enter upon the docket that such defendant be imprisoned in the county jail within and for the county of Jefferson, or such other place as the common council of said city shall by ordinance designate, for a term which in no case shall exceed fifty days, in the discretion of the court rendering judgment, and such court shall further adjudge, determine and sentence such defendant to be kept at hard labor during the term of his or her commitment, either within or without said jail or place of imprisonment, and the said court shall thereupon issue a commitment, inserting therein such time of imprisonment, and every person so convicted and committed shall be kept at hard labor in the common jail of the county of Jefferson, or at such place as the city of Fort Atkinson may provide, for the benefit of said city, under the watch, guard and supervision of whom the mayor and common council shall appoint, for the period of time for which such person shall have been committed, unless said judgment, fine, penalty or forfeiture and costs are sooner paid. The commitment may be substantially in the following words:

Form of commitment.

COUNTY OF JEFFERSON, } ss.
City of Fort Atkinson, }

The state of Wisconsin to the sheriff or any constable of said county, or any police officer of said city, and to the keeper of the common jail of said county, greeting:

Whereas, at ——— court in and for the county of Jefferson, held at my office in said city, for the trial of —— ——— for the offense hereinafter stated, the said ——, so —— convicted of having on the —— day of ———, A. D., 187—, at said city, in said county, violated section —— of chapter —— of a general ordinance of the city of Fort Atkinson, entitled "an ordinance —— ——," which said ordinance was then in force, and upon conviction the said court did adjudge and determine that the said —— ——— pay a fine —— of —— dollars, together with ——— dollars costs; that in default of payment of said fine and costs, to be imprisoned in the county jail of said county for the term of —— at hard labor for the benefit of the city of Fort Atkinson.

Therefore, in the name of the state of Wisconsin, you are commanded forthwith to take the said —— and —— convey and deliver to the keeper of the common jail in and for Jefferson county; and the said keeper is hereby commanded in the name of said state to receive and keep in custody in said jail the said —— ——— for the term of ——, at hard labor for the benefit of said city, unless the said fine, together with all costs and jail fees, are sooner paid, or —— be discharged by due course of law.

Given under my hand this —— day of ———, A. D. 187—.

——— ———,
—— ———.

Prisoners may be required to labor.

SECTION 5. If the mayor of the city shall at any time deem it for the interest of the city he may employ and work the prisoners so committed outside of the jail or yard, or other place provided by said city, at labor on the public grounds, streets or alleys of said city, and may cause them to be secured in such a manner as in his judgment will prevent their escape, and the keeper or custodian of the common jail of said county shall, upon the order of the mayor of said city, deliver the prisoner or prisoners in such order named and described into the keeping and custody of such person or persons in said order directed, and receive and securely confine such prisoner or prisoners when returned

by such person or persons as aforesaid, and said order shall remain good and be in force until revoked by the mayor or common council of said city.

Appeal.

SECTION 6. In all cases where the fine or judgment is more than five dollars, exclusive of costs, the defendant may appeal from such judgment to the circuit court of the county of Jefferson: *provided*, such defendant within twenty-four hours, make and file with said police justice an affidavit that the appeal is made in good faith, and not for the purpose of delay, and enter into a recognizance with one or more sufficient sureties to be approved by the police justice, from whose judgment the appeal is taken, conditioned to appear before the circuit court for the county of Jefferson at the next general term thereof, and from term to term thereafter, and abide the judgment of said court therein. The police justice from whose judgment an appeal shall be taken, shall make a special return of the proceedings had before him, and shall forthwith cause the warrant and return, affidavit or complaint upon which the same was issued, together with the proceedings and copy of the entries on his docket in the action, together with the recognizance, to be filed in the office of the clerk of said court, and the city may appeal from any such judgment as in other cases before justices of the peace.

Trial by jury.

SECTION 7. Said appeal shall stand for trial by jury, unless a jury be waived in a manner provided by law in said circuit court at the next term thereof, after the day the judgment of the police justice shall be rendered; and no notice of trial shall be required to be given to or by either party.

Proceedings on conclusion of trial.

SECTION 8. If the judgment of the court appealed from shall be affirmed, or if upon the trial the defendant shall be convicted, the court shall inflict the fine, penalty or forfeiture provided by this act or the ordinances, by-laws, resolutions or regulations under which he or they are prosecuted, and enter judgment against him or them for such fine, penalty or forfeiture, together with the costs of both courts, and in default of payment of such fine, penalty or forfeiture and costs, to be committed, as provided in section five of this chapter.

Fines, etc., may be recovered of sureties.

SECTION 9. In case of the breach of the condition of the recognizance hereinbefore mentioned by the escape or non-appearance of the defendant at the circuit court as hereinbefore provided, the same shall be prosecuted in the name of the city of Fort Atkinson, as plaintiff in the circuit court for Jefferson county, and

the measurement of recovery shall be the amount of the fine, penalty or forfeiture imposed, together with the costs and fees that accrued in the case, and all moneys recovered shall be paid into the city treasury, less the fees of officers and jailor, which shall be paid to them, and such judgment shall be enforced by execution as in actions of tort.

Competency of citizens.

SECTION 10. No person shall be an incompetent judge, justice, juror or witness by reason of his being an inhabitant of said city, in any action or proceedings in which said city is a party in interest.

Village laws continued in force.

SECTION 11. All ordinances, by-laws, resolutions and regulations now in force in the village of Fort Atkinson and not inconsistent with this act shall remain in force until altered, modified or repealed by the common council, after this act shall take effect and shall have the force of law.

Vested rights.

SECTION 12. All rights, actions and penalties, fines and forfeitures, in suits or otherwise, which have arisen or accumulated under the several acts consolidated herein, shall be vested in and prosecuted by the corporation hereby created.

Service of process.

SECTION 13. When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process of summons with the mayor or clerk of said city, and it shall be the duty of said mayor or clerk so served forthwith to inform the common council thereof, or to take such demand or proceedings as by ordinance or resolution of said council may be in such cases provided.

Fines, etc.—to whom paid.

SECTION 14. All fines, penalties and forfeitures recovered and collected under and by virtue of this act shall be paid into the city treasury for the use and benefit of said city.

Property exempt from execution.

SECTION 15. All fire engines, hose carts, hooks and ladders and wagons therefor, and all other apparatus and implements used to extinguish fires, and all houses or buildings owned or occupied by said city or such engines, hose, hose carts, hooks and ladders or other apparatus or implements, shall be exempt from attachment or execution issued in any action or on any judgment wherein the said city shall be a party.

Individual property not liable.

SECTION 16. No real or personal property of any inhabitant of said city, or any individual or corporation, shall be levied on or sold by virtue of any attachment or execution issued to collect or satisfy any contract, debt or obligation of said city, or on any judgment against said city.

CHAPTER XV.

MISCELLANEOUS PROVISIONS.

Does not repeal

SECTION 1. No general law contravening the provisions of this act shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law.

Work to be done by contract.

SECTION 2. All work for the said city exceeding fifty dollars shall be let by contract to the lowest responsible bidder, and notice shall be given of the time and place of letting such contract, and every contract so made shall be in writing, and clearly state the conditions thereof: *provided*, that the common council shall have power to reject all unreasonable bids.

Town and city treasurers.

SECTION 3. The town treasurer shall pay over to the city treasurer all sums collected by him for said city, within twenty days after he shall have collected the same. The city treasurer shall have one per centum of all moneys received, and one per centum of all moneys paid out by him on orders.

Election precinct.

SECTION 4. The said city shall constitute an election precinct only and solely for the purposes set forth in this act, and at all elections other than those provided for by this act, the inhabitants of said city shall be entitled to vote at the election poll in the town of Koshkonong the same as the inhabitants of the village of Fort Atkinson have heretofore been entitled to vote at such poll, and the said city shall continue and be considered a part of the town of Koshkonong, except as otherwise provided in this act, to the same extent as the village of Fort Atkinson has heretofore constituted a part of said town.

Board of registry.

SECTION 5. The persons authorized by law to act as inspectors of election in the town of Koshkonong shall constitute the board of registry for said city and election precinct, and shall cause to be made such registrations of the voters of said city or precinct as shall or may be required by law.

City surveys.

SECTION 6. The plats of the village of Fort Atkinson and the additions thereto are hereby adopted as the plats of the city of Fort Atkinson and of the additions thereto, and the real estate included in said plats may hereafter be described by giving the number of the lots and blocks as they appear on said plats, or by metes and bounds, and by describing the plats as "the original plat of the village, and city of Fort Atkinson," or "the plat of Foster's addition to the village, now city, of Fort Atkinson," and in like manner with the plats

of other additions, or in any other manner that shall designate said real estate with reasonable certainty.

SECTION 7. If any officer or other person fails to do or perform any of the duties which this act or any ordinance, by-law, rule, regulation or resolution requires him to do at a time specified, the common council may designate another time when such officer or person may do or perform such duties, and when done or performed at the time so designated by the common council, it shall be taken, held and considered the same as if such duties had been done or performed at the time specified in this act, or in the ordinance, by-law, rule, regulation or resolution of said city. **Failure of officials to act, not to invalidate the law.**

SECTION 8. All acts and parts of acts inconsistent and conflicting with the provisions of this act are hereby repealed, but the repeal of said acts or parts of acts shall not in any manner affect, injure or invalidate any contracts, acts, or suits, claims, penalties or demands that may have been entered into, performed, commenced, or that may exist under or by virtue or in pursuance of the said acts, or any former acts incorporating said city or any of them; but the same shall exist and be enforced and carried out and be completed as fully and effectually to all intents and purposes as if this act had not been passed. **Repealed.**

SECTION 9. This act shall be published in the in Jefferson County Union, a newspaper published at Fort Atkinson, Jefferson county, Wisconsin, and shall take effect and be in force from and after its passage and publication.

Approved March 17, 1878.

[No. 67, S.] [Published March 27, 1878.]

CHAPTER 248.

AN ACT relating to the publication of the Legislative Manual, and amendatory of chapter seventy-two of the laws of Wisconsin of 1873.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. It shall be the duty of the secretary of state to cause to be prepared and printed, by the state printer, annually hereafter, for the use of the senate and assembly, a book to be denominated a "Manual," which shall contain Jefferson's Manual, the rules and **Printing of Legislative Manual authorized.**

order of the senate and assembly, joint rules of the senate and assembly, list of senators and assemblymen, and the employes of each house, diagrams of the senate and assembly chambers, statistical and other information of the same description with that contained in the books heretofore published, with such other matter as may be deemed useful.

Number to be printed and how distributed

SECTION 2. The secretary of state shall cause to be printed twenty-five hundred copies of such manual annually, to be distributed as follows: Fourteen copies to each member of the senate and assembly and the chief clerks and sergeant-at-arms of the two houses; one copy to each of the clerks and employes of the two houses whose names appear in the manual; one copy each to the state officers in the capitol and their clerks and assistants; one copy each to the State Agricultural Society, to the State Horticultural Society, the State Board of Charities and Reform, and to the Academy of Arts and Sciences; one copy to each Regent of the State University and Normal Schools, to the college libraries of the state, and to the State Penal and Charitable Institutions; one copy each to the county clerks of the several counties in this state, and to the clerks of the supreme courts and of the United States courts for Wisconsin, to each county judge, to each circuit judge; one copy each to the regular reporters in attendance, and ten copies to State Historical Society. The balance shall be kept by the secretary of state who shall deliver to the superintendent of public property at the commencement of each session of the legislature, one hundred and thirty-three copies to be by him distributed to the members of the legislature at the opening of the session, the balance to be kept for exchange.

Morocco binding.

SECTION 3. One copy of such manual for each state officer and each member of the senate and assembly, and the chief clerks thereof, shall be bound in half morocco, and be lettered with the name of the person entitled to receive it.

Annual appropriation.

SECTION 4. There is hereby annually appropriated out of any money in the state treasury not otherwise appropriated, belonging to the general fund, an amount sufficient for the expenses authorized by this act.

Approved March 18, 1878.

[No. 39, S.] [Published March 27, 1878.]

CHAPTER 249.

AN ACT to amend section thirty-six of chapter two hundred and forty-three of laws of Wisconsin of 1874, providing for the publication of the reports, collections and catalogue of the State Historical Society.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section thirty-six of chapter two hundred and forty-three of laws of Wisconsin of 1874, is hereby amended by striking out after the words "state printer," the words "once in every two years, commencing in the year 1876," and inserting in place thereof the words "not oftener than once in three years," commencing in the year 1878; also further amend said section by striking out the word "biennially" and inserting in place thereof the words "not oftener than once in three years," and to be bound in muslin, uniform with the collections, so that the section as amended will provide that the collections of the State Historical Society and its supplemental catalogues shall not be published oftener than once in three years, with uniform binding. Amended. Catalogues of collections, etc. to be published once in three years.

Approved March 18, 1878.

[No. 101, S.] [Published March 28, 1878.]

CHAPTER 250.

AN ACT relating to road taxes in towns, and amendatory of section twenty-two of chapter one hundred and fifty-two of the general laws of 1869.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section twenty-two of chapter one hundred and fifty-two of the general laws of this state for the year of 1869, is hereby amended by adding thereto the following: "And no town in this state shall hereafter levy or collect a tax of more than two thousand dollars in any one year for the purpose of constructing and repairing roads in such towns exclusive of the mill tax now by law authorized to be levied therein for such purpose," so that said section when Amended.

Highway tax. amended shall read as follows: Section 22. The supervisors in each town shall meet within eighteen days after the annual town meeting, at such time and place as they may agree upon, and proceed then or at a subsequent meeting, to assess the highway tax in their town for the ensuing year, but the supervisors shall not extend the time for assessing such highway tax beyond the second Monday in May in any year. But no town containing a population of less than five hundred inhabitants in any county in this state shall hereafter levy or collect a tax of more than one thousand dollars in any one year, for the purpose of constructing roads and bridges in such town; said sum of one thousand dollars to include the amount of money that may be voted at any general or special town meeting, and also the mill tax which the several boards of town supervisors are now by law authorized to levy as a highway tax in this state. And no town in this state shall hereafter levy or collect a tax of more than two thousand dollars in any one year for the purpose of constructing and repairing roads in such town, exclusive of the mill tax now by law authorized to be levied therein for such purpose: *provided*, that this shall not apply to towns having less than two congressional townships.

Restrictions.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1878.

[No. 107, S.] [Published March 30, 1878.]

CHAPTER 251.

AN ACT relating to apportioning the bonded indebtedness of the town of Jefferson, Jefferson county, and to amend chapter twelve, laws of 1874, entitled An act to legalize certain acts of the board of supervisors of Jefferson county, and detaching certain territory from the town of Jefferson, and apportioning the bonded indebtedness of said town; and also to amend chapter ninety-two, laws of 1877, entitled, An act relating to apportioning the bonded indebtedness of the town of Jefferson, Jefferson county, and amendatory of section two of chapter twelve, laws of 1874.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section two of chapter twelve of the laws of 1874, entitled an act to legalize certain acts of the board of supervisors of Jefferson county, and de-

taching certain territory from the town of Jefferson and apportioning the bonded indebtedness of said town, approved February 3d, 1874, is hereby amended so as to read as follows: Section 2. Whenever the electors of the town of Jefferson, in Jefferson county, shall have voted to raise any money by tax upon the taxable property of said town to pay any part or portion of the bonded indebtedness of said town of Jefferson, created in aid of railroads and outstanding on the third day of February, 1874, or to pay any indebtedness created by said town under and pursuant to the provisions of chapter one hundred and eighty-two of the private and local laws of 1867, entitled An act to amend an act to enable the town of Jefferson to settle with its creditors, and an act amendatory thereto, being chapters two hundred and twenty-six and four hundred and ninety-two of the local laws of 1866, the town clerk of the said town of Jefferson shall, between the first and twentieth days of October of the same year in which the electors of this said town shall have so voted, apply in writing to the town clerk of the town of Koshkonong, in Jefferson county, for a statement of the total valuation of the taxable property assessed within the area of sections thirty-one (31), thirty-two (32), thirty-three (33), thirty-four (34), thirty-five (35), and thirty-six (36), of township number six (6), north of range number fourteen (14) east, in said county of Jefferson, as the same appears on the assessment roll of said town of Koshkonong for the year in which such application is made; thereupon it shall be the duty of the town clerk of the town of Koshkonong, within five days after such application is made, to make and deliver to the town clerk of the said town of Jefferson a certified statement in writing, signed by him, of the total amount of taxable property assessed within the area of the said six sections, as the same appears upon the corrected assessment roll of the said town of Koshkonong; and within five days thereafter, the town clerk of the said town of Jefferson shall determine the just proportion of such money so voted to be raised by the electors of the said town of Jefferson, which is justly and properly chargeable to the assessed taxable property within the area of the said six sections, and make and deliver to the town clerk of the said town of Koshkonong, a certificate in writing, signed by him, showing the whole amount of money so voted to be raised by the electors of the said town of Jefferson; the total assessed valuation of all the taxable property in the

Duty of town clerks in premises.

town of Jefferson as the same appears upon the corrected assessment roll of the town of Jefferson for such year and the total assessed valuation of all the taxable property within the area of said six sections as the same appears by the said certified statement of the clerk of the town of Koshkonong, and the just proportion of such money so voted to be raised by the electors of the said town of Jefferson which is justly and properly chargeable to the assessed taxable property within the area of the said six sections, and thereupon it shall be the duty of the town clerk of the town of Koshkonong at the time he makes out the tax roll of his town for state, county, town and other taxes for the year in which said certificate shall have been so made and delivered to him, to calculate and carry out the just proportion of the money so voted to be raised by the electors of the said town of Jefferson, which is justly and properly chargeable to the taxable property within the area of the said six sections as it appears by the said certificate so made and delivered to him by the clerk of the said town of Jefferson, opposite to the taxable property within the area of the said six sections and in a separate column in his tax roll for the year in which such money shall have been so voted by the electors of said town of Jefferson, and in the manner prescribed by law for calculating and carrying out state, county, and town taxes in the tax roll.

Amended.

SECTION 2. Section two of said chapter ninety two of the laws of 1877, is hereby amended so that it shall read as follows: Section 2. Whenever the electors of the said town of Jefferson shall hereafter vote to raise any money by tax upon the taxable property of said town, to pay any part of the indebtedness mentioned in the first section of this act, and the just proportion of the money so voted to be raised, which is justly and properly chargeable to the taxable property within the area of the said six sections, shall have been certified to the town clerk of the town of Koshkonong as provided in the first section of this act, and the town clerk of the town of Koshkonong shall neglect or refuse to calculate and carry out such just proportion opposite to the taxable property within said six sections in his tax roll, as provided in the first section of this act, or there shall be for any other reason a failure to collect such just proportion in the year in which it shall have been so first certified to the town clerk of the town of Koshkonong, then it shall be the duty of the town clerk of the town of Jefferson on or before the

In case of town clerk's refusal to carry out tax.

twentieth day of October in the year next following such neglect or refusal to insert in said tax roll, or such failure for any other cause to collect such just proportion, to make and deliver to the town clerk of the town of Koshkonong a certificate in writing signed by him, giving the amount of such just proportion which was not collected the preceding year, and it shall then be the duty of the town clerk of the town of Koshkonong, to calculate and carry out the amount of such proportion, as it shall appear by such certificate opposite to the taxable property within the area of said six sections, in a separate column in the tax roll of his town for the year in which such certificate shall be received by him, and in the manner prescribed by law for calculating and carrying out state, county and town taxes in the tax roll.

Further duties of Koshkonong town clerk.

SECTION 3. At the time the town clerk of the town of Koshkonong calculates and carries out the state, county and town taxes in the tax roll of his town for the year eighteen hundred and seventy-eight, it shall be his duty and he is hereby required to calculate and carry out in the said tax roll for that year, and opposite to the description of the taxable property within the area of the said six sections as it shall appear in the said tax roll, and in a separate column therein prepared for that purpose, the sum of six hundred and ten one-hundredth dollars, in addition to all sums which he may be required, by the provisions of this act or the act to which this is amendatory, to calculate and carry out that year in said tax roll opposite to the description of the taxable property within the area of said six sections, which said sum of six hundred and ten one-hundredth dollars is hereby declared to be the just proportion of the money which the electors of the town of Jefferson voted to raise by tax on the taxable property of said town of Jefferson, in the year 1875, to pay a part of the indebtedness mentioned in the first section of this act which is justly and properly chargeable to the taxable property within the area of said six sections.

Same.

SECTION 4. At the time the town clerk of the town of Koshkonong calculates and carries out the state, coun- and town taxes in the tax roll of his town for the year 1879, it shall be his duty and he is hereby required to calculate and carry out in the said tax roll for that year and opposite to the description of the taxable property within the area of the said six sections, as it shall appear in the said tax roll, and in a separate column therein prepared for that purpose the sum of six hun-

dred and eighty and six one-hundredth dollars in addition to all other sums which he may be required by the provisions of this act or the act to which it is amendatory, to calculate and carry out that year in said tax roll opposite to the description of the taxable property within the area of said six sections, which said sum of six hundred and eighty and six one-hundredth dollars is hereby declared to be the just proportion of the money which the electors of the town of Jefferson voted to raise by tax on the taxable property of said town of Jefferson in the year 1876, to pay a part of the indebtedness mentioned in the first section of this act which is justly and properly chargeable to the taxable property within the area of said six sections.

Same.

SECTION 5. At the time the town clerk of the town of Koshkonong calculates and carries out the state, county and town taxes in the tax roll of his town for the year 1880, it shall be his duty and he is hereby required to calculate and carry out in the said tax roll for that year, and opposite to the description of the taxable property within the area of the said six sections, as it shall appear in the said tax roll, and in a separate column therein prepared for that purpose, the sum of six hundred and six and three one-hundredth dollars, in addition to all other sums which he may be required by the provisions of this act or the act to which it is amendatory to calculate and carry out that year in said tax roll, opposite to the description of the taxable property within the area of said six sections, which said sum of six hundred and six and three one-hundredth dollars is hereby declared to be the just proportion of the money which the electors of the town of Jefferson voted to raise by tax on the taxable property of said town of Jefferson, in the year of 1877, to pay a part of the indebtedness mentioned in the first section of this act, which is justly and properly chargeable to the taxable property within the area of said six sections.

Amended.

Collection and return of tax.

SECTION 6. Section three of said chapter ninety-two is hereby amended so as to read as follows: Section 3. The town treasurer of the town of Koshkonong shall at the time and in the manner of collecting or returning delinquent the state, county and town taxes in the tax roll of his said town, collect or return delinquent all the taxes which shall have been calculated and carried out in the said tax roll pursuant to the provisions of this act, and shall pay the amount so collected over to the commissioners of the public debt of the town of Jefferson on or before the time pre-

scribed by law for paying county taxes to the county treasurer.

SECTION 7. In case the said town of Koshkonong or the said six sections, or any person or persons for said town or said six sections shall have paid to the commissioners of the public debt of the said town of Jefferson on or before the first day of March, 1881, and under the provisions of this act, the sum of five thousand dollars, with interest thereon at the rate of seven per cent. per annum from the first day of March, 1878, in addition to all sums already paid by and for said six sections, under the provisions of chapter twelve of the laws of 1874, then the said six sections and the owners and inhabitants thereof shall stand *ipso facto* released and discharged from any further liability to taxation under this act or the act to which it is amendatory, and from any and all liability to pay any further part of the bonded indebtedness of the said town of Jefferson: *provided, however*, that if the said sum of five thousand dollars, with interest as aforesaid, shall not be so paid to the commissioners of the public debt of the said town of Jefferson on or before the first day of March, 1881, then the said six sections and the owners and inhabitants thereof shall continue liable to be taxed under the provisions of this act the same as if this section had not been incorporated into this act. **Conditional release.**

SECTION 8. The supervisors of the said town of Koshkonong are hereby authorized, in their discretion, to direct and require the town clerk of the said town of Koshkonong to insert in the tax roll of said town for the years 1878, 1879 and 1880, respectively, in a separate column to be prepared therein for that purpose, such sum in addition to the amounts hereinbefore required to be inserted therein as will be sufficient to raise the said sum of five thousand dollars, with interest as aforesaid, by the first day of March, 1881, and when said supervisors shall so direct and require, it shall be the duty of said clerk to insert in the said tax roll for said three years respectively, in a separate column therein prepared for that purpose, such additional sum as shall have been so required in each of said years respectively; and when so inserted it shall be the duty of the town treasurer of said town of Koshkonong to collect the same and pay the same over to the commissioners of the public debt of the town of Jefferson at the same time he pays the county tax to the county treasurer. **Discretion of supervisors.**

SECTION 9. The supervisors of the town of Kosh- **Power to refund**

konong are hereby directed when authorized so to do by a vote of the electors of said town, at their annual town meeting in any year, to refund to the tax payers of said six sections, out of the general fund of said town such sums as shall be levied and collected from said tax payers during such year, for the payment of the bonded indebtedness of the town of Koshkonong, and the chairman of the board of supervisors of said town and the town clerk of said town are hereby authorized to issue town orders to said tax payers for such purpose for the said amounts.

Penalty against town clerk for failure to comply with the law.

SECTION 10. If the town clerk of the said town of Koshkonong or the town clerk of said town of Jefferson shall either of them for any cause or reason whatever fail, neglect or refuse to do or perform any duty required by this act to be done or performed by the clerk so failing, neglecting or refusing or shall for any cause or reason fail, neglect or refuse to do any act or thing required by this act to be done by him, such clerk, so failing, neglecting or refusing, shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not less than fifty dollars, nor more than one hundred dollars, together with costs of the prosecution, and by imprisonment in the county jail not less than ten nor more than forty days.

Liquidated damages.

SECTION 11. In addition to the punishment prescribed in the preceding section for the misdemeanor therein described, if either of the town clerks mentioned in said section shall for any cause or reason fail, neglect or refuse to do or perform any duty required by this act to be done or performed by the clerk so failing, neglecting or refusing, or shall for any cause or reason whatever, fail, neglect or refuse to do any act or thing required by this act to be done by him, he shall be liable to pay and shall pay to the said town of Jefferson, as liquidated damages, the sum of one thousand dollars, which sum may be recovered, with costs, in an action brought in the circuit court in and for said Jefferson county by the said town of Jefferson against the said clerk so failing, neglecting or refusing as aforesaid, or against said clerk and the surety or sureties on his official bond, at the option of said town of Jefferson.

Penalty against town treasurer for failure to comply with the law.

SECTION 12. If the town treasurer of the town of Koshkonong shall, for any cause or reason whatever, fail, neglect or refuse to do or perform any duty, act or thing required by this act to be done or performed by him, he shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of

not less than fifty dollars nor more than one hundred dollars, and by imprisonment in the county jail not less than ten nor more than forty days.

SECTION 13. In addition to the punishment prescribed in the next preceding section for the misdemeanor therein described, if the town treasurer of the town of Koshkonong shall fail, neglect or refuse as aforesaid to do or perform any duty, act or thing required by this act to be done or performed by him, he shall be liable to pay and shall pay to said town of Jefferson as liquated damages, the sum of one thousand dollars, which sum may be recovered, with costs, in action brought in the circuit court in and for said Jefferson county, by the said town of Jefferson against the said treasurer of the town of Koshkonong as aforesaid, or against the said treasurer and the surety or sureties on his official bond, at the option of said town of Jefferson. Liquidated damages.

SECTION 14. Any justice of the peace in Jefferson county shall have jurisdiction concurrent with the circuit court, of all actions or prosecutions for the misdemeanors mentioned in sections seven (7) and nine (9) of this act. Jurisdiction.

SECTION 15. All acts and parts of acts conflicting or inconsistent with the provisions of this act are hereby repealed. Repealed.

SECTION 16. This act shall take effect and be in force from and after its passage and publication, and shall be published in the "Jefferson Banner," a newspaper published at Jefferson, Jefferson county Wisconsin. Publication.

Approved March 18, 1878.

[No. 120, S.] [Published April 9, 1878.]

CHAPTER 252.

AN ACT to remedy the evils consequent upon the destruction of any public records by fire or otherwise.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Whenever it shall appear that the records, or any material part thereof, of any county in this state have been destroyed by fire or otherwise, any map, plat, deed, conveyance, contract, mortgage, deed of trust, or other instrument in writing, affecting real es- Instruments may be re-recorded.

tate in such county, which has been heretofore recorded, or certified copies of the same, may be re-recorded; and in re-recording the same, the register of deeds shall record the certificate of the previous record, and the date of filing for record appearing in said original certificate so recorded shall be deemed and taken as the date of the record. And copies of any such record of such instrument so authorized to be made under this section, duly certified by the register of deeds of any such county, under his seal of office, shall be received in evidence, and have the same force and effect as certified copies of the original record.

When recorded in another county.

SECTION 2. In any county in this state, where the records have been burned or destroyed, as specified in the last section, and any map, plat, deed, conveyance, contract, mortgage, deed of trust, or other instrument in writing affecting real estate in such county, has been recorded in any other county in this state, certified copies of the same, heretofore or hereafter made, may be re-recorded in such county where the records have been so burned or destroyed; and in recording the same, the register of deeds shall record all certificates attached thereto; and if any of such certificates show the previous recording of the same in the county where the records have been burned or destroyed, the date of filing for record in such county, appearing in said certificate so recorded shall be deemed and taken *prima facie* as the date of the record thereof. And copies of any such record so authorized to be made under this section, duly certified by the register of deeds of any such county, under his seal of office, shall be received in evidence and have the same force and effect as certified copies of the original record.

Certified copies

SECTION 3. Whenever, in any court of record in this state, or any other state, or in any court of the United States, there is any original deed, conveyance, contract, mortgage, deed of trust or other instrument in writing affecting real estate in such county, or certified copies thereof, a copy thereof, certified by the clerk of such court under his seal of office, may be made and recorded in such county where the records have been so burned or destroyed, and in recording the same, the register of deeds shall record all the certificates attached thereto; and if any of such certificates show the previous recording of the same in the county where the records have been so burned or destroyed, the date of filing for record in such county appearing in said certificate so recorded, shall be deemed and taken as the

date of the record thereof. Copies of any such record so authorized to be made under this section, duly certified by the register of deeds of any such county, under his seal of office, shall be received in evidence and have the same force and effect as certified copies of the original record.

Plat or map—how replaced.

SECTION 4. Whenever the public records of any plat or map, which is required by law to be kept by the register of deeds, has been or may hereafter be injured, lost or destroyed by fire or otherwise, it shall be the duty of the district attorney of the county in which such injury, loss or destruction has occurred, or shall occur, forthwith to file in the circuit court an information, in the name of the state of Wisconsin, setting forth substantially the facts of such injury, loss or destruction, with the circumstances attending the same, as near as may be; and thereupon the clerk of such court shall cause such information to be published, in full, in one or more public newspapers published in such county, for the period of four weeks, together with a notice addressed to "All whom it may concern," that said court will, at a term therein designated, to be held not less than four weeks from the first publication of such information and notice, proceed to hear and determine the matters in said information set forth, and will take testimony for the purpose of reproducing and re-establishing such records of maps and plats as the court shall find to be injured, lost or destroyed. Upon such publication being made, all persons interested shall be deemed defendants, and may appear in person, or by counsel, and be heard touching such proceedings. If the court shall be satisfied that any public records of maps and plats has been injured, lost or destroyed, an order to that effect shall be entered on record, and thereupon the court shall proceed to take testimony for the purpose of reproducing and re-establishing the record so injured, lost or destroyed. The proceedings may be continued from time to time, whether in term or not, and orders and decrees shall be made as to each map or plat separately. The clerk shall cause all maps and plats adjudged by the court to be correct copies of the records lost, injured or destroyed, as often and as soon as they are so adjudged, to be filed in the office of the register of deeds, with a certified copy of the order or judgment of the court in the premises attached thereto, and recorded in a book or books to be provided for that purpose. And the said record shall be deemed and taken in all courts and places as a public record,

and *prima facie* as a true and correct reproduction of the original record so injured, lost or destroyed.

Costs.

SECTION 5. All costs and expenses incurred in the proceeding under the last preceding section, including copies of maps and plats, and recording of the same, shall be taxed as costs against the county in which such proceedings are had.

Certified copies

SECTION 6. Whenever it shall appear that the records, or any part thereof, of any county in this state have been destroyed by fire or otherwise, so that a connected chain of title cannot be deduced therefrom, copies, duly certified by the proper officers, of all deeds, patents, certificates, plats, and legal subdivisions of lands in such county, in the custody or control of any officer of this state or of the United States, may be recorded in the register of deeds, office of such county, and the record so made shall have the same force and effect as the record of the originals of such instruments.

Fees and penalties.

SECTION 7. The register of deeds in any such county may charge and receive as a fee for recording any instrument under the provisions of this act, and the certificate of such recording, five cents for each hundred words or fraction thereof, and no more, and any register of deeds who shall charge a greater fee than the foregoing, or who shall refuse to record such instruments in writing, aforesaid, for the fee aforesaid, shall be deemed guilty of a malfeasance in office, and subject to all the penalties provided by law for such offense.

Action to recover records.

SECTION 8. Whenever the records of any county in this state shall have been injured, lost or destroyed by fire, it shall be the duty of the judge of the circuit court in which such county is situated, and of the county judge of such county to examine into the state of the records of such county, and in case they find any abstracts, copies, minutes or extracts from said records existing after such destruction as aforesaid, and find that the said abstracts, copies, minutes or extracts were fairly made before such destruction of the records, by any person or persons in the ordinary course of business, and that they contain a material and substantial part of said records, the said judges shall certify the facts in regard to such abstract of titles as found by them, and if they are of the opinion that such abstracts, copies, minutes and extracts tend to show a connected chain of title to the land in said county; they shall file such certificate, finding or opinion with the clerk of the circuit court of such county; and thereupon said abstracts, copies, minutes, and extracts or certified copies thereof

shall be admissible as evidence in all the courts of this state as *prima facie* evidence. And it shall be the duty of the owner or owners or keeper of such abstracts to furnish to all parties requesting it, upon being paid the charges herein provided for, certified copies of the same, or parts thereof. And in all cases in which any abstracts, copies, minutes and extracts, or copies thereof, which are admissable in evidence under any of the provisions of this act, shall be received in evidence under this act, all deeds or other instruments of writing appearing thereby to have been executed by any person or persons, or in which they appear to have joined, shall (except as against any person or persons in the actual possession of the lands or lots described therein at the time or at the destruction of such county, claiming title thereto, and except, also, as against infants and persons of unsound mind, be presumed to have been duly witnessed, executed and acknowledged according to law; and all sales under powers of attorney, judgments, decrees and legal proceedings, shall be presumed to be regular and correct, except as against the person or persons in this section before mentioned; and any person alleging any defect or irregularity in any such conveyance, acknowledgment, sale, judgment, decree or legal proceeding, shall be held bound to prove the same: *provided*, that nothing in this act contained shall impair the effect of said destroyed records as notice.

Jurisdiction.

SECTION 9. In case of such destruction of records as aforesaid, any and all courts in such county having equity jurisdiction shall have power to inquire upon due notice to the parties interested into the condition of any title to or interest in any land in such county, and to make all such orders, judgments and decrees as may be necessary to determine and establish such title or interest, legal or equitable, against all persons, known or unknown, and all liens existing on such land, whether by statute, judgment, mortgage, deed of trust or otherwise.

Action to establish claim of title.

SECTION 10. It shall be lawful for any person claiming title to any lands in such county at the time of the destruction of such records, and for all claiming under any such person, to file a summons and complaint in any such court in such county having equity jurisdiction, praying for a decree establishing and confirming his title. Any number of parcels of land may be included in one complaint, or separate complaints may be filed as the plaintiff may elect. Said complaint shall

answer shall, except when made by a guardian *ad litem*, be verified by the affidavit of the defendant or by the agent of said defendant.

Judgment.

SECTION 13. If no demurrer or answer shall be served as before provided, the complaint may be taken as confessed, and a judgment entered according to the prayer of said complaint, upon proof of facts stated in the complaint, and notice of motion for such judgment shall be published once a week for six weeks successively, and the several publications shall be in the same newspaper in said county. The clerk of the circuit court of such county shall advertise for bids for publishing such notices (in two papers to be selected by the circuit judge), and the publishing of such notices shall thereupon be awarded by said circuit judge to the newspaper making the lowest bid therefor, or if there are more than one making the same bid, then the said judge to determine to which of said newspapers said publications shall be awarded, said award to be by order of said court entered of record therein; and a copy of such order, certified by the clerk of said court, under the seal thereof, shall be transmitted and entered of record in all other courts of said county having equity jurisdiction, before which, proceedings in said complaint, but if any person shall serve an answer as aforesaid to such complaint, the court may hear evidence or order a reference to take evidence and report the same to said court. If the complaint includes more than one parcel of land, and no demurrer or answer shall be served as to some of said pieces of land, the court may enter a decree as to those parcels as to which no answer or demurrer has been served, and hear evidence or order a reference as to the remaining parcels.

Decree of title.

SECTION 14. It shall be competent for said courts in all such judgments, to determine and decree in whom the title in any or all of the lands described in said complaint is vested, whether in the plaintiff or in any other of the parties before the court; but said judgment shall not in anywise affect any lien or liens to which said fee may be subject, whether by mortgage, deed of trust, judgment, statute, mechanics' lien or otherwise, but shall leave all such liens to be ascertained or published in some other proceeding, or to be enforced as the parties holding them may see fit. Any person having at the time of such destruction of the records as aforesaid, any lien, by mortgage, trust deed or otherwise, upon any lands in such county, and having lost the proof thereof, and all parties claiming un-

Liens.

der any such person may file a complaint for the purpose of establishing the existence, conditions, character and extent of said lien. All persons known to the petitioner as having or claiming any interest or lien in or upon said lands shall be made defendants by name, and the same proceedings shall be had as in the case of the plaintiff above provided. The judgment shall find the existence of such lien (if any exists), its condition, character and extent, and any lien so established may be enforced according to the terms thereof.

Force of judgment.

SECTION 15. Said judgment of said court, when entered on either of the complaints above mentioned, shall be forever binding and conclusive, unless an appeal be taken, or a writ of error be sued out in the manner now provided by law, in which case the final judgment entered in said cause shall be binding and conclusive as aforesaid, from the entry thereof, except as against minors, or persons of unsound mind: *provided*, that married women, insane persons and minors shall have two years after their disabilities are removed to appeal or sue out a writ of error from said judgment: *provided further*, that any judgment entered upon any complaint which does not make defendant by name all persons who shall be in possession of such lands or any part thereof, at the time of the filing of such complaint or which does not make defendant by name, all persons to whom any such lands shall have been conveyed, and the deed or deeds shall have been recorded in the office of the register of deeds of such county since the time of the destruction of the records as aforesaid, and prior to the time of the filing of any such complaint, shall be absolutely void as to such person so omitted, but shall be final and conclusive as to all others, except those by this act excepted: *provided, further*, that all defendants who shall not be actually served with a summons in the suit in which such judgment may be rendered, shall have allowed to them one year after the entry of such judgment within which to apply to the court rendering the same, to have said judgment vacated, opened or set aside.

Instruments lost before filed for record.

SECTION 16. Whenever any deeds or other instruments in writing, affecting the title to any of the lands in any such county, shall have been filed for record so short a time before such destruction of the records, as aforesaid, that no proof of them remains either on such records or among the abstracts, copies, minutes, or extracts specified in section eight of this act, it shall be the duty of the person having filed the same or claimed

the benefit thereof, within one year from the time this act takes effect, to refile for record such deed or other instrument, or copies thereof, or if that cannot be done then he shall make and file a complaint to establish such deed or other instrument in writing under the provisions of this act. In all cases when an original deed or other instrument in writing affecting the title to real estate shall have been lost or destroyed, it shall be lawful for any person having a duly certified copy of such record, to cause the same to be recorded, which record shall have the same force or effect as now belongs to the records of such originals.

Rights of executors, etc.

SECTION 17. Executors, administrators, guardians and trustees shall be entitled to proceed under this act in behalf of the interest and rights they represent.

Evidence.

SECTION 18. In all cases under the provisions of this act, and in all proceedings or actions now or hereafter instituted as to any estate, interest or right in, or lien or incumbrance upon any lots, pieces or parcels of land, when any party to such action or proceeding, or his agent or attorney in his behalf, shall orally, in court, or by affidavit, to be filed in such action or proceeding, testify and state under oath that the original of any deeds, conveyances or other written or recorded evidence, has been lost or destroyed, or not in the power of the party wishing to use it on the trial to produce the same, and the record thereof has been destroyed by fire or otherwise, the court shall receive all such evidence as may have a bearing on the case to establish the execution or contents of the deeds, conveyances, records or other written evidence, so lost or destroyed; and the court shall receive as evidence any abstract of title made in the ordinary course of business prior to such loss or destruction, showing the title to such land, or any part of the title to such land, that may have been delivered to the owner or purchaser, or other parties interested in the land: *provided*, that any writings in the hands of any person or persons, which may become admissible in evidence under the provisions of this act, shall be rejected and not be admitted in evidence, unless the same appear upon its face without erasure, blemish, alteration, interlineation or interpolation in any material part, unless the same be explained to the satisfaction of the court, and to have been fairly and honestly made in the ordinary course of business. And any person or persons making any such erasure, alteration, interlineation or interpolation in any such

writing, with the intent to change the same in any substantial matter, after the same has been once made as aforesaid, shall be guilty of the crime of forgery, and be punished accordingly. And any and all persons who may be engaged in the business of making writings or written entries concerning or relating to lands and real estate, in any county in this state to which this act applies, and to furnish to persons applying therefor abstracts or copies of writings or written entries, as aforesaid, for a fee, reward or compensation therefor, and shall not make the same truly, and without alteration or interpolation in any matter of substance, shall be guilty of the crime of forgery, and be punished accordingly. And any and all such person or persons shall furnish said abstracts or copies, as aforesaid, to the person and persons from time to time applying therefor, in the order of applications and without unnecessary delay, and for a reasonable consideration to be allowed therefor, which in no case shall exceed the sum of one dollar for the first conveyance and thirty cents for each and every subsequent conveyance, or other like change of title, shown upon such abstract or copy; and any and all persons so engaged shall, within thirty days after the filing of the opinion of the circuit judge and county judge, in accordance with section eight of this act, file with the clerk of the circuit court his or their assent to the provision contained in section eighteen of this act, and no abstract or certified copies of the same (except such certified copies as have been made prior to the passage of this act) shall be received in evidence until such assent is filed in the office of the clerk of the circuit court.

Possessor of abstracts.

SECTION 19. The word "person," when used in this act shall include persons and all bodies politic and corporate.

Construction of law.

SECTION 20. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1878.

[No. 123, S.] [Published April 6, 1878.]

CHAPTER 253.

AN ACT to amend chapter three hundred and thirty-one of the laws of Wisconsin of 1876, entitled An act to confer on certain associations of the citizens of Wisconsin, the power and immunities of corporations and bodies politic in law.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows.

Amended.

SECTION 1. Section one of chapter three hundred and thirty-one of the laws of Wisconsin of 1876, entitled "An act to confer on certain associations of the citizens of the state of Wisconsin the powers and immunities of corporations and bodies politic in law," is hereby amended so as to read as follows: "Section 1. At any time when five or more persons may desire to form a mutual savings fund, loan or building association, under the provisions of this act, they shall make and subscribe a certificate of organization and shall file the same in the office of the clerk of the circuit court of the county in which they intend to carry on the business of such corporation; and such certificate shall specify: 1st. The name assumed by such association, and by which it shall be known. 2d. The amount of its capital. 3d. The city, village or town in which such association designs to carry on its corporative business: *provided*, that such association in making its loans as hereinafter provided, may accept as security for such loan or loans any property situated within the county in which such association carries on its corporate business," and that no charter granted under or by virtue of the provisions of this act shall be for a longer term than twenty years.

Incorporation.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1878.

[No. 124, S.] [Published April 4, 1878.]

CHAPTER 254.

AN ACT to enable associations formed under chapter three hundred and thirty-one of the laws of Wisconsin of 1876, to increase the amount of their capital stock.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Increase of capital authorized.

SECTION 1. Any association or corporation which may have been formed under chapter three hundred and thirty-one of the laws of Wisconsin of 1876, entitled "An act to confer on certain associations of the citizens of the state of Wisconsin the powers and immunities of corporations and bodies politic in law," and which may have, by its certificate of organization, limited the amount of its capital to a sum less than five hundred thousand dollars, may, by a resolution carried by a vote of at least two-thirds of the members of such association present at any regular meeting thereof, increase the amount of its capital to any amount not exceeding the sum of five hundred thousand dollars, including the amount mentioned in the certificate of organization of such corporation: *provided*, that no such vote shall be taken unless such resolution, stating the amount of the proposed increase of capital, shall have been offered at the reguler meeting next preceding the one at which such vote is taken.

Resolution to be filed with clerk of circuit court.

SECTION 2. The secretary of such association or corporation shall immediately after any such resolution as is mentioned in the preceding section shall have been adopted, file in the office of the clerk of the circuit court in and for the county in which such association or corporation carries on its corporative business, a certified copy of such resolution, and shall state in such certificate the date of the adoption of such resolution, and from and after the filing of such certificate as aforesaid, such association or corporation may issue capital stock up to the amount specified in such resolution, in the same manner as if the amount of capital specified in such resolution had been originally specified in the certificate of organization of such association or corporation.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1878.

[No. 108, S.] [Published April 9, 1878.]

CHAPTER 255.

AN ACT to authorize the formation of manufacturers' and millers' mutual insurance companies.

The people of the state of Wisconsin represented in senate and assembly, do enact as follows:

Authority for organization of corporations.

SECTION 1. Any number of persons, not less than nine, actual residents of the state, and who are engaged in the milling or manufacturing business within this state, and who collectively own property not less in value than one hundred thousand dollars, may form an incorporated mutual insurance company for the purpose of insuring mills and manufactories against loss or damage by fire.

Directors.

SECTION 2. The incorporators of any company organized under this act shall be directors of such company until the first annual meeting.

Limitations.

SECTION 3. No policy shall be issued by any company organized under the provisions of this act until at least twenty-five applications for insurance of one thousand dollars each are obtained. If, at any time after such company is organized and doing business, and the number of policies in force should become less than twenty-five of one thousand dollars each, it shall be the duty of the officers of such company to notify the secretary of state, who shall proceed to wind up the affairs of said company.

Articles of association to be filed with secretary of state.

SECTION 4. Such person shall file in the office of the secretary of state a declaration of their intention to form a company for the purposes expressed in the preceding sections, which declaration shall be signed by all the corporators, and shall contain a copy of the charter proposed to be adopted by them. Such charter shall set forth the name of the corporation proposed to be formed, the object and intention of the company, the city, town or village in which the business office of said company is to be located, the intended duration of said company, and if the said proposed charter is found to be conformable to the laws and constitution of this state, the secretary of state shall thereupon deliver to such persons a certified copy of the charter, which, on being filed in the office of the county clerk of the county where the office of such company is to be located, shall be their authority to organize and commence business: *provided*, that such charter so obtained shall be subject to the control of and modification by the legislature.

SECTION 5. The number of directors shall be nine, five of whom shall constitute a quorum to do business. They shall be elected by ballot, and hold their offices for three years, and until their successors are elected and qualified. At the first election of a board of directors, three directors shall be elected for one year, three for two years, and three for three years. At annual elections thereafter, three directors shall be elected for the full term of three years. Vacancies in the board of directors, occurring during the year, can be filled by the directors, but such appointments shall be subject to confirmation by the company at the annual meeting. The annual meeting shall be held once in each year, at a time agreed upon by the directors. Every person insured shall be entitled to one vote for each five hundred dollars that he may be insured in the company, and may cast the same in person or by proxy. **Election of directors, their powers and duties.**

SECTION 6. The directors shall elect from their number a president and treasurer, and shall also elect a secretary, who may or may not be a member of the company, all of whom shall hold their offices for one year, and until their successors are elected and qualified. **Officers.**

SECTION 7. The treasurer and secretary shall each give bonds to the company for the faithful performance of their duties, in such amounts as shall be prescribed by the board of directors. **Bonds.**

SECTION 8. Such corporation and its board of directors shall possess the usual powers and be subject to all the usual duties of corporations and directors thereof, and may make such by-laws, not inconsistent with the constitution or laws of this state, as may be deemed necessary for the management of its affairs in accordance with the provisions of this act; also to prescribe the duties of its officers and fix their compensation, and to alter and amend its by-laws when necessary. **Corporate powers.**

SECTION 9. Such company may issue policies on mills, manufactories and property contained in and about such mills and manufactories for any time not exceeding five years, and not to extend beyond the limited duration of the charter, and for an amount not to exceed ten thousand dollars on any one risk. All persons so insured shall give their obligation to the company, binding themselves, their heirs and assigns to pay their pro rata to the company, of the necessary expenses and losses by fire which may be sustained by any member thereof during the time for **Policies.**

which their respective policies are written, and they shall also, at the time of effecting the insurance, pay such per centage in cash, and such other charges as may be required by the by-laws of the company.

Classification of property.

SECTION 10. Any such company may classify the property insured therein at the time of issuing policies thereon, under different rates, corresponding as nearly as may be to the greater or less risk from fire and the loss which may attach to each of the several buildings insured.

In case of loss.

SECTION 11. Every member of such company who may sustain loss by fire, shall immediately notify the secretary, who shall proceed at once to determine the amount of loss or damage, and, if possible, make settlement. If the party sustaining loss shall not acquiesce in the decision, the claim shall be submitted to referees, mutually agreed upon, whose award shall be final. If the amount awarded by the referees shall be greater than the amount awarded by the company, the company shall bear the expense of the reference; if less, the party procuring the reference shall bear the expense.

Assessments.

SECTION 12. Whenever the amount of any loss has been ascertained, which requires an assessment to be made, then the president and the officers of the company shall make an assessment upon all the property insured, to the amount for which each several piece of property is insured, taken in consideration with the rate of premiums under which it may have been classified.

Notice of assessment.

SECTION 13. It shall be the duty of the secretary, whenever any such assessment shall have been completed, to immediately notify every person composing such company, by letter sent to his usual postoffice address, of the fact of a loss, the amount of such, and the sum due from him, as his share thereof, and of the time when and to whom such payment is to be made, but such time of payment shall not be less than thirty nor more than sixty days from the date of such notice.

Lapse of policy

SECTION 14. If the assured neglect payment of any assessments within sixty days from date of said notice, then his policy shall be null and void until said assessment is paid, and also the assessments which may be levied during the suspension of the policy, on account of the nonpayment of a previous assessment.

Suits to recover assessments.

SECTION 15. Suits at law may be brought against any member of such company who shall refuse or

neglect to pay any assessment made upon them by the provisions of this act, and the directors of any company formed, who shall willfully neglect or refuse to perform the duties imposed upon them by the provisions of this act, shall be liable in their individual capacity to the persons sustaining such loss.

Evidence.

SECTION 16. The certified copy of the charter provided for in section two of this act may used in evidence for and against said company with the same effect as the original.

Annual statement.

SECTION 17. It shall be the duty of the secretary to prepare an annual statement, showing the condition of such company on the thirty-first day of December in each year, and present the same to the annual meeting.

Verified statement to be filed with secretary of state.

SECTION 18. It shall be the duty of the president and secretary of every such company on the first day of January in each year to transmit to the secretary of state a verified statement of the condition of the company on the thirty-first day of December, then next preceding, in such form as the said secretary may direct. If upon examination he is of the opinion that such company is doing business correctly, and in accordance with law, he shall thereupon furnish the company his certificate, which shall be deemed authority, to continue business for the ensuing year. For such examination and certificate the company shall pay three dollars. Each company shall pay at the time of organization for services of secretary of state, the sum of ten dollars.

Secretary's certificate.

Charter fee.

Companies may be dissolved.

SECTION 19. Any company organized under the provisions of this act may be proceeded against and dissolved in the manner and upon the same conditions as provided for in case of other insurance companies incorporated in this state.

Withdrawals.

SECTION 20. Any member of any such company may withdraw therefrom by giving notice, in writing, to the secretary thereof, and paying up all dues and his ratable share of all loss or damage by fire suffered by such company, up to the date of his withdrawal. The officers shall have power to annul any policy by giving notice in writing to that effect to the holder thereof, and paying all dues which may appear to be due to such member.

Cancellation of policies.

SECTION 21. This act shall be in force from and after its passage and publication.

Approved March 18, 1878.

[No. 163, S.] [Published April 6, 1878.]

CHAPTER 256.

AN ACT to amend section twenty-seven of chapter fifty-nine of the general laws of 1870, entitled "An act to regulate the business of life insurance."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amendment.

SECTION 1. Section twenty-seven of chapter fifty-nine of the general laws of 1870, entitled "An act to regulate the business of life insurance," approved March 14, 1870, is hereby amended by striking out the word "one," where it occurs in the seventeenth line of said section, and inserting in lieu thereof the word "two," so that said section will read as follows: Section 27. No life, or life and accident insurance company shall transact business in this state, without first having obtained a license therefor, from the secretary of state, which license, when issued, shall authorize the insurance company named therein, and the agents thereof, to transact business in this state until the last day of February following the date thereof. No such license shall be issued by the secretary of state to any life, or life and accident insurance company, until such company shall have filed in the office of the secretary of state the reports and statements in this act required, and shall have paid to the state treasurer in addition to the fees in this act prescribed, an annual license fee of three hundred dollars, and all life, and life and accident companies organized in this state under special charters granted for that purpose, or under general laws, shall pay into the state treasury two per cent. on the cash receipts for premiums received by such company in the state of Wisconsin for the year preceding the making of the annual report as hereinbefore provided, which sum shall be paid to the state treasurer at the time such report is filed with the secretary for which sum so paid the state treasurer shall execute duplicate receipts. The payment of the sum provided in this section shall be in lieu of all taxes for any purpose authorized by the laws of this state, excepting taxes upon such real estate as may be owned by such company; *provided*, that nothing in this act shall be construed to relieve any company from the payment of any license fees or taxes now due under existing laws upon business transactions prior to January first, 1878.

Licenses.

Reports.

License fees.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 18, 1878.

[No. 139, S.] [Published April 6, 1878.]

CHAPTER 257.

AN ACT to protect lumber interests.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Penalty for larceny.

SECTION 1. Every person who shall willfully take, carry away or otherwise convert to his own use, without the consent of the owner, any log or cant suitable to be worked into plank, boards, joist, shingle or other lumber, the property of another, whether the owner thereof be known or unknown, lying and being in any river within this state, or in any of its tributaries, or on or near the banks of any such river, or any of its tributaries, for the purpose of being driven or floated to market, shall be deemed guilty of the crime of larceny, and on conviction thereof shall be punished by a fine of not less than fifty dollars and by imprisonment in the county jail not less than three months; and on a second conviction for a like crime shall be punished by a fine of not less than one hundred dollars and by imprisonment in the penitentiary not more than two years.

Penalty for destruction of marks.

SECTION 2. Every person who shall cut out, alter or destroy any mark made or caused to have been made by the owner on any log, cant or other lumber lying and being as described in the first section of this act, without the consent of the owner thereof, shall, on conviction, be punished by a fine not less than fifty dollars, and by imprisonment in the county jail not less than three months, and on a second conviction for like crime shall be punished by a fine not less than one hundred dollars, and by imprisonment in the penitentiary not more than two years.

Liabilities.

SECTION 3. Every person guilty of either of the offenses described in the preceding sections of this act shall, whether convicted thereof in a criminal prosecution or not, be liable to pay the owner of such log, cant or other lumber, respecting which the offense was committed, double the amount of the value of the same, to be recovered in an action.

Presumptive evidence.

SECTION 4. In any prosecution under the preceding sections of this act, if any such log or cant shall be found in the possession of the defendant, with the mark cut out or destroyed, or partly cut out or destroyed, or partly sawed or manufactured into lumber of any kind, fence posts, or rails, such possession shall be presumptive evidence of his guilt.

Search for lumber.

SECTION 5. The owner of any such log, cant or other lumber, may at any time, lawfully, by himself or his agent, enter, in a peaceable manner, upon any mill or mill-boom, or raft of logs, cant or other lumber, in any river or in its tributaries within this state, or on or near the banks of such rivers or their tributaries, in search of any such log, cant or other lumber, which he may have lost, and any person who shall willfully prevent or obstruct such search, shall forfeit for such offense not less than twenty dollars nor more than fifty dollars, to be recovered in the name and for the use of the person by whom or on whose account such entry was made.

Penalty for obstructing search.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1878.

[No. 132, S.] [Published March 28, 1878.]

CHAPTER 258.

AN ACT to provide for the sale of the reports of the decisions of the supreme court now owned by the state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Sale of reports authorized.

SECTION 1. The state librarian is hereby authorized to sell and deliver to any resident of this state, who desires to purchase the same for his own use, one set, and no more, of the volumes of the reports of the supreme court of this state; and to any resident of this state, for his own use, one each of the odd volumes, and no more, of the said reports not required to make complete sets owned or to be owned by the state, at the price of two dollars per volume. The money realized and received by said librarian from such sales, shall be paid by him into the treasury of the state, to the credit of the general fund; but such sales shall not be made further than to reduce the number of each volume of said reports to seventy-five: *provided,*

that any person desiring to purchase any of said reports shall file with the said librarian his affidavit, made before some officer authorized by law to administer oaths, to the effect that he desires to purchase such reports for his own use, and not for re-sale, exchange or transfer.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1878.

[No. 144, S.] [Published March 28, 1878.]

CHAPTER 259.

AN ACT to lay out and establish a state road from Wolf river, in Shawano county, to Wausau, in Marathon county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Charles D. Wescott, D. H. Pulcifer, of Shawano county, and D. L. Plumer, of Marathon county, are hereby appointed commissioners, and Henry Grimmer as surveyor, with full power and authority to survey, lay out and establish and open a state road, commencing on section twenty-five, township twenty-seven, range fifteen east, and running by the best and most feasible route, as determined upon by said commissioners, to the city of Wausau, in the county of Marathon, such road to be located and constructed as far as practicable on the town line dividing towns twenty-eight and twenty-nine in Marathon county. Commissioners

SECTION 2. After the said commissioners shall have laid out such road, or such part of it as in their opinion the public good may require, they shall cause the said surveyor to make two correct maps of the same, and file the said maps, one in the office of the county clerk of Shawano county, and one in the office of the county clerk of Marathon county. Surveys.

SECTION 3. Said commissioners shall have power to award damages and settle with parties who may be aggrieved or sustain damages by the laying out and establishing of said road: *provided*, that in no case shall the damages so awarded exceed the sum of twenty dollars. And all claims for damages shall be made within one year from the time said commissioners shall have filed in the office of the county clerk, as required in Damages.

section two of this act, and all damages so awarded shall be paid by the town in which the lands are located which are damaged thereby.

Public highway

SECTION 4. Upon the filing of the surveys of said road in the office of the county clerk of the counties, as above required, said road shall become a public highway, and the said commissioners shall have full power to order it opened, and obstructions removed therefrom, in the same way and to the same effect as supervisors of towns have to open highways and remove obstacles therefrom in their respective towns.

Compensation of commissioners.

SECTION 5. As compensation of services in laying out and establishing said road, the several commissioners shall receive for each day actually engaged thereon the sum of three dollars per day, and such assistants as they may employ, not exceeding four in number at any one time, the sum of one dollar and twenty-five cents for each day actually employed; the said surveyor shall receive the sum of three dollars and fifty cents per day for each day actually employed, together with all necessary expenses for board for each commissioner, surveyor and laborers, while actually engaged on such road; said expenses to be paid from the treasuries of the counties, in proportion to the time actually spent in each county in the laying out of the said road; said amounts to be certified to by said commissioners, to the county clerks of the counties of Shawano and Marathon.

Highway tax.

SECTION 6. There shall be levied for each of the years of 1878, 1879, and 1880, upon all taxable property in townships number twenty-seven, twenty-eight and twenty-nine, in range 11 east, and townships number twenty-seven, twenty-eight and twenty-nine in range twelve east, all in the county of Shawano, and townships twenty-seven, twenty-eight and twenty-nine in range eight, nine and ten east, in Marathon county, a highway tax of five mills on the dollar, to be expended wholly and only for the purposes of opening and improving the road herein provided for, and the several town boards of supervisors in which the above described townships are located, are empowered, authorized and required to levy and collect said tax, and pay the same to the commissioners herein appointed to receive and disburse the same, and for the purpose o aiding in the construction of said road the said board of supervisors shall annually appropriate and pay the drainage fund received by them for the several townships of land herein mentioned for each of said years,

Disbursement of tax.

and all other funds levied and appropriated by or under the provisions of this act to Charles D. Wescott, of Shawano county, and J. W. Smith and August Kickbush, of Marathon county, who are hereby appointed commissioners to construct said road, let the necessary contracts and perform the usual duties pertaining thereto, and to receive and disburse the funds levied and appropriated for such purpose, said commissioners to receive the same per diem as the other commissioners herein named: *provided*, that said Charles D. Wescott shall receive and disburse the money levied and appropriated in Shawano county, and construct the road therein, and said J. W. Smith and August Kichbush shall receive and disburse the money levied and appropriated in Marathon county, and construct the road therein.

Delinquent tax.

SECTION 7. After such tax has been levied, that portion of it remaining unpaid and returned to the county treasurers as delinquent, shall be credited to the general fund, and as fast as paid, belong to such fund, and thereafter said treasurers shall, upon demand, pay the money so paid to said commissioners entitled to receive the same, and if sufficient money has not been received to meet the expenses of building such road, the county clerk shall issue to them the orders of said county, drawn on the general fund, for the amount of such delinquent list, less the money paid by the county treasurer.

Cause for action.

SECTION 8. In case any of the towns shall neglect or refuse to levy, collect or expend the said tax, as provided for in section six of this act, any person feeling aggrieved, may and shall have power to institute an action at law against said town or towns, and enforce the payment by judgment and execution.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1878.

[No. 152, S.] [Published April 4, 1878.]

CHAPTER 260.

AN ACT to provide for the collection of statistics in relation to the principal farm products of this state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Statistics required.

SECTION 1. It shall be the duty of the assessor of each town in this state, at the time of making the annual assessment of property, to collect statistics in relation to the principal farm products of this state, as follows, to wit: Of wheat, corn, oats, barley, rye, potatoes, root crops and cranberries, the number of acres devoted to the cultivation of each respectively, for the current year, and also the number of bushels of each respectively, raised the preceding year; of apples, the number of acres in orchard, the number of trees of bearing age the current year, and also the number of bushels raised the preceding year; of flax, hops and tobacco, the number of acres the current year, and the number of pounds raised the preceding year; of cultivated grapes, the number of acres the current year, and number of tons raised the preceding year; of growing timber, the number of acres; of milch cows, the number and value; of butter and cheese, the number of pounds manufactured of each the preceding year; of clover and timothy, the number of acres of each harvested for seed the preceding year, and the number of bushels of each obtained therefrom; and said assessor shall make duplicate certificates of such statistics, one of which he shall file in the office of the town clerk of his town, and the other with the clerk of the board of supervisors of his county, on or before the first day of July of the same year.

Statement to be filed with secretary of state.

SECTION 2. The county clerk shall, on or before the fifteenth day of July of each year, forward to the secretary of state, to be kept in his office, a certificate of the aggregate number of acres and the amount of yield of each of said products in his county, as ascertained and compiled from the certificates of said assessors.

Repealed.

SECTION 3. Chapter thirty-eight of the laws of Wisconsin of 1874, and chapter two hundred and twenty-four of the laws of Wisconsin of 1877, are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1878.

[No. 191, S.] [Published April 2, 1878.]

CHAPTER 261.

AN ACT to exempt from taxation the lands of the North Wisconsin railroad company, lying in the counties of Ashland and Bayfield.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Lands exempt conditionally.

SECTION 1. In consideration of the construction of any portion of the railroad through the counties of Ashland and Bayfield, toward Lake St. Croix, in aid of the construction of which lands were granted to the state of Wisconsin by acts of congress, approved respectively June 3, 1856, and May 5, 1864, by any railroad company now organized or hereafter to be organized under the laws of this state, the lands applicable to the construction of said road by such company through said counties, and which may be acquired by such company by the construction of said road through said counties, the said lands so acquired, as aforesaid, shall be and remain exempt from all assessments and all taxation of every kind for the period of five years from the time such company acquires title to the same: *provided*, that when any of said lands are sold, contracted to be sold or leased, the lands so sold, contracttracted to be sold or leased shall become immediately subject to taxation. *And further provided*, that not less than twenty miles of said road, commencing at some point on Lake Superior between the town of Ashland and Bayfield, shall be completed within two years from the passage of this act: *and further provided*, that this act shall apply only to lands now lying in and being a part of Ashland and Bayfield counties.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 18, 1878.

[No. 202 S.] [Published April 4, 1878.]

CHAPTER 262.

AN ACT relating to swamp and overflowed lands in the counties of Manitowoc and Calumet, and amendatory of chapter three hundred and forty-one of the private and local laws of 1867, and chapter two hundred and one of the laws of Wisconsin of 1873, and chapter five hundred and thirty-seven of the laws of 1865, and chapter three hundred and twenty-seven of the laws of Wisconsin of 1874, and chapter two hundred and ninety-one of the laws of Wisconsin of 1877, for draining and other purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section one of chapter three hundred and twenty-seven, laws of Wisconsin of 1874, entitled "An act relating to swamp and overflowed lands in the counties of Manitowoc and Calumet, for draining and other purposes," is hereby amended so as to read as follows: Christian Arbischen and Julius Feind, of Calumet county, and Ira Clark, John Hollaran, Frederick Sevenson and John Franz, of Manitowoc county, are hereby appointed commissioners, to be known as the board of Manitowoc and Calumet swamp land commissioners, who shall elect one of their number secretary and one of their number treasurer, and as such commissioners they are hereby authorized and empowered to act for and on behalf of said counties in the execution of the trust by this act created; and by this said name shall be capable in law of taking, holding, leasing and contracting for, selling and conveying the lands or any portion thereof, described in the first section of this act, and appropriating the money arising from the sale thereof, so far as the same may be necessary, for the purposes named in this act, and no further; and in that name may contract and be contracted with, sue and be sued, may have a common seal, and alter and renew the same at pleasure, and may have and exercise all the powers, rights and privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act as the same are herein set forth.

Powers and duties of commissioners.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 18, 1878.

[No. 104, S.] [Published April 2, 1878.]

CHAPTER 263.

AN ACT to incorporate the city of Jefferson.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

CHAPTER I.

INCORPORATION.

SECTION 1. All that district of country contained within the limits and boundaries hereinafter described, shall be a city by the name of Jefferson and the people now inhabiting, and who shall hereafter inhabit the said district of country shall be a municipal corporation by the name of the city of Jefferson, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure. Incorporated.

CHAPTER II.

CITY AND WARD BOUNDARIES.

SECTION 1. All that district of country in the town and county of Jefferson, in the state of Wisconsin, included within the following lines and boundaries, to wit: beginning at the north quarter post of section number one, in township number six north, of range number fourteen east, thence running west on the section line two miles to the north quarter post of section number three, thence south on the subdivision line two miles to the south quarter post of section ten; then east on the section line to the south quarter post of section twelve; thence north on the subdivision line to the place of beginning: shall be included in and constitute the limits of the city of Jefferson. City boundary.

SECTION 2. The said city is hereby divided into three wards to be called and known as the first, second and third wards, and limited and bounded as follows, to-wit: All that portion of said city west of Ward boundaries.

Rock river shall be and constitute the first ward; all that portion of said city east of Rock river and north of the centre of Racine street as designated on the recorded plat of the village of Jefferson, Jefferson county, Wisconsin, shall be and constitute the second ward; and all that portion of said city east of Rock river and south of said Racine street shall be and constitute the third ward.

CHAPTER III.

CORPORATE AUTHORITY.

Corporate authority.

SECTION 1. The corporate authority of said city, and the exercise of its corporate powers and management of its financial, prudential and municipal concerns, shall be vested in one principal officer, styled the mayor, and one board of aldermen, consisting of two members from each ward, who with the mayor, shall be denominated the common council, and in such other officers as are hereinafter mentioned or may be created under this act.

CHAPTER IV.

ELECTIONS.

Elections.

SECTION 1. The annual election for ward and city officers shall be held on the second Tuesday of April in each and every year, at the city hall in said city or at such other convenient place as the common council shall direct. The polls of every election under this act shall be kept open from ten o'clock in the forenoon until four o'clock in the afternoon of the same day, but the judges or inspectors of election may close the polls at twelve o'clock noon for one hour, giving notice thereof.

Notice of election.

SECTION 2. The common council shall give at least ten days' notice of the time and place of holding every such election, and of the city and ward officers to be elected thereat, and shall cause such notice to be published at least ten days before every such election, in a newspaper published in said city, if one be published therein, and if there be no newspaper published therein, then said common council shall cause such notice to be posted up in at least five conspicuous places in said city: *provided, however*, that a failure to give such notice shall not invalidate any annual election otherwise duly held in said city on the second Tuesday of April in any year.

SECTION 3. The mayor and any two aldermen of said city shall preside at and be the judges and inspectors of every election held under this act. The clerk of said city, hereinafter provided for, shall be the clerk of every such election. In case of the failure of the mayor and clerk, or either of them, for any cause to be present in time to properly open the polls, the aldermen present may appoint a person or persons to act in their or his place as such inspector or clerk, and in case no two aldermen attend, the bystanders may select one or more persons, as the case may be, to act as inspectors in the place of the absent alderman or aldermen. The clerks and inspectors shall take and subscribe an oath, in the same form and to the same effect, as near as may be, as the oath required to be taken and subscribed by clerks and inspectors of general elections under the laws of this state. The clerk shall keep a list of the names of persons voting, as hereinafter provided, and all elections under this act shall be conducted in the same manner, as far as may be, in accordance with the provisions of this act, as general elections are conducted under the laws of this state, and the plurality of votes shall in all cases decide the election. Officers of election.

SECTION 4. The common council of said city shall provide three ballot boxes, numbered one, two and three, to correspond with the three wards aforesaid, to be used at all elections under this act. Ballot-boxes.

SECTION 5. All persons qualified to vote at general elections for state officers and who shall have been residents of said city for at least twenty days next preceding any election, shall be legal voters for any officer required to be elected by this act; and if any person's right to vote be challenged, or if the inspectors of election shall have reason to believe that any person presenting himself to vote, does not possess the qualifications of an elector under this act, the inspectors shall decide upon the challenge, or upon the qualifications of the person as an elector, in the same manner as is required by law at general elections: *provided, however*, that the proper questions shall be propounded to and answered by such person to enable said inspectors to determine whether he has resided in said city for twenty days prior to offering his vote. Elections.

SECTION 6. The elective officers of said city shall be a mayor and police justice, to be elected by and for the city at large; and two aldermen, and one supervisor to represent his ward in the county board of supervisors of Jefferson county, to be elected by and Elective officers.

from each ward. The mayor, and police justice, shall be qualified voters of said city, and the aldermen and supervisors shall be qualified voters of said city and residents of the ward for which they shall be respectively elected. The mayor, aldermen and supervisors shall hold their respective offices for the term of one year and until their successors shall be elected and qualified. The police justice shall hold his office for the term of three years and until his successor shall be elected and qualified.

Manner of conducting elections.

SECTION 7. The elective officers shall be elected at the annual election to be held on the second Tuesday in April of each year. Each elector, in addition to voting for mayor and police justice to be elected by and for the city at large, shall vote only for the two aldermen and one supervisor to be elected by and for the ward in which the elector voting resides, and no elector shall vote for more than two aldermen nor more than one supervisor, and the two aldermen and one supervisor voted for, must be residents of the same ward with the elector. The electors shall vote by ballot, written or printed, or partly written and partly printed. Each ballot shall contain the names of five persons only, in addition to the proper designation of the office for which each is named, to-wit: the name of one person for mayor, the name of one person for police justice, the names of two persons for aldermen, and the name of one person for supervisor; the mayor and police justice to be chosen from the city at large, and the aldermen and supervisors from the several wards as aforesaid wherein they reside; and if any ballot has more than two persons named thereon for aldermen, it shall not be counted as a ballot for aldermen, but shall for the other persons properly named thereon; and if any ballot shall have more than one person named thereon for supervisor, it shall not be counted as a ballot for supervisor, but shall for the other persons properly named thereon. The ballot of each elector shall be deposited in the box numbered to correspond with the ward wherein he resides, and no ballot which shall be deposited in a box other than the one corresponding in number to the ward wherein the person named in such ballot for alderman and supervisor resides, shall be counted. Immediately after the closing of the polls, the ballots in each box shall be counted separately by the inspectors and clerk, and the two persons named on the ballots in any box for aldermen, and the one named thereon for supervisor, who

shall have received the largest number or a plurality of all the votes cast by the electors of the ward, corresponding in number with the box, shall be declared elected aldermen and supervisor of such ward, and the two persons named on the ballots for mayor and police justice, who shall receive the largest number or a plurality of all the votes of the electors of said city, cast for these offices, shall be declared elected mayor and police justice respectively. If any alderman or supervisor shall change his residence from the ward for which he shall have been elected, his office as alderman or supervisor shall become vacant, and the common council of said city shall, by resolution, so declare, and appoint a suitable person to fill the vacancy. For the purpose of carrying out this act, a person's residence shall be deemed to be in that ward where his family resides, or where he has his lodgings and sleeps at night.

Illegal voting.

SECTION 8. At each annual election, the inspectors of election shall cause three poll lists to be made and numbered one, two and three, to correspond with the three wards hereinbefore provided for, and every person when he presents his ballot, shall give his name and the number of the ward in which he resides, and the clerk of election shall enter his name on the list numbered so as to correspond with the ward in which he resides. If any person is not a qualified voter in the ward in which he gives his name, and willfully and knowingly gives his name as belonging to a ward in which he does not reside, under the provisions of this act, and shall willfully and knowingly deposit his ballot in a box not corresponding in number to the number of the ward in which he resides, or if any person duly qualified shall vote more than once at any one election, he shall forfeit and pay a sum not exceeding fifty dollars and not less than twenty-five dollars, to be recovered in the same manner as other fines and penalties are recovered under this act, and shall also incur all the pains and penalties provided by any general law of this state for illegal or fraudulent voting.

Returns of election.

SECTION 9. Immediately after the counting of the ballots at any election under this act, the inspectors and clerk of election shall, under their hands and the seal of said city, make a written statement of the result of such election, and attach thereto the oaths of the inspectors and clerk, and the three poll lists kept at such elections, and shall cause the same to be filed in the

city clerk's office, and the said statement to be recorded in the records of said city; and the said statement shall be *prima facie* evidence, in all courts and before all tribunals, of the statements therein contained. Immediately after filing such statement, the clerk shall make out and deliver to each person who appears by such statement to have been elected to any office, a certificate of his election, under his hand and the seal of said city.

Appointive officers.

SECTION 10. All other officers necessary for the management of said city shall be appointed by the common council thereof, and the said common council shall, at its first regular meeting in each year, appoint one clerk, one treasurer, one marshal, one attorney, one or more street commissioners, and such other officers as the council shall deem it necessary to appoint at that time. In case the council shall for any reason fail or neglect to elect a clerk, a treasurer, a marshal, an attorney, one or more street commissioners, or either of them, at its first regular meeting in each year, the mayor shall call a special meeting of the common council, to be held within fifteen days after such regular meeting, at which special meeting the common council shall appoint such of said officers as it neglected or failed to appoint at its first regular meeting. Notice of the time and place of holding such special meeting, and of the officers to be appointed thereat, shall be published at least ten days before such meeting in some newspaper published in said city, or in case no newspaper is published therein, then by posting such notice up in at least five conspicuous places in said city, at least ten days before such special meeting.

Village officers.

SECTION 11. All the village officers of the village of Jefferson shall hold their respective offices until their successors shall be elected and qualified, or appointed and qualified under this act; and the term of every officer elected under this act shall commence the third Tuesday in April of the year for which he shall have been elected, and shall, unless otherwise provided, continue for one year, and until his successor is elected and qualified.

Duties of officers.

SECTION 12. All duties herein required of the mayor, aldermen, common council, or clerk, in regard to elections, shall be performed, so far as may be necessary, by the present president, trustees, board of trustees, and clerk of the village of Jefferson, in regard to the first election and the organization of the city government under this act.

SECTION 13. The first election of officers under the provisions of this act shall be held on the second Tuesday in April, A. D. 1878, and the president and any two trustees of the village of Jefferson shall be the inspectors, and the clerk of said village shall be the clerk of such election. First election.

SECTION 14. Should there be a failure of the people to elect any officer herein required to be elected on a day designated, the common council may order a new election to be held, and in such case the common council shall cause at least ten days' notice of the time and place of holding such election, and of the officers to be elected thereat, to be given by publishing such notice for at least ten days in a newspaper published in said city, or if no newspaper be published in said city, then by posting said notice in at least five conspicuous places in said city, at least ten days before said election. Failure to elect

SECTION 15. The common council may at any time, when in its judgment the interests of the city require it, appoint an assistant marshal or assistant marshals, and may remove the same at pleasure; and such assistant marshal or marshals, when so appointed, shall have the same power and authority, rights and privileges, and be subject to the same duties as the marshal of said city. Assistant marshal.

SECTION 16. Immediately after any corporation officer shall be elected or appointed and qualified, the clerk of said city shall, under his signature and the corporate seal of said city, make out two statements containing the names of the persons so elected or appointed and qualified, and the office to which each shall have been elected or appointed and qualified, and he shall transmit said statements, the one to the county clerk, and the other to the clerk of the circuit court of Jefferson county; and said clerks shall file and preserve the same in the same manner as they file and preserve like certificates of the election or appointment and qualification of town officers. City clerk to make statement of result of election.

CHAPTER V.

VACANCIES AND REMOVALS.

SECTION 1. The death, neglect to qualify, refusal to serve, or removal from said city, of any officer elected or appointed under this act, or his inability for any cause to discharge the duties of his office, or his removal by the common council as hereinafter provided, shall create a vacancy in such office, and the removal Vacancies.

of any alderman or supervisor from the ward for which he shall have been elected shall create a vacancy in the office held by him.

Removals.

SECTION 2. For good cause shown, the common council may remove any officer elected under this act, except mayor but before any officer shall be so removed, written charges shall be made against him and filed in the city clerk's office, and a copy of such charges, together with a written notice of the time and place, when and where the council will hear testimony to prove or disprove the same, shall be served upon such officer at least ten days before the time appointed for such hearing; and the officer against whom charges shall be so filed shall have the right to appear in person or by attorney, or both, at such hearing, and to examine witnesses, and present other pertinent evidence in his own behalf, and to cross-examine any witness that may be produced against him.

Vacancies.

SECTION 3. Whenever a vacancy shall occur in the office of mayor or police justice, the common council shall call and cause to be held a special election to fill such vacancy. Every special election shall be held in the same manner as annual elections, and the same notice shall be given as is required to be given of annual elections. Whenever a vacancy shall occur in any office other than that of mayor or police justice, the common council shall fill such vacancy by appointment at its next regular meeting after such vacancy occurs, or at a special meeting to be called for that purpose. Every person elected or appointed to fill a vacancy shall hold the office to which he shall have been elected or appointed for the unexpired term of his predecessor, and until his successor shall be elected or appointed and qualified.

CHAPTER VI.

OFFICERS — THEIR POWERS AND DUTIES.

Oath and bond of officials.

SECTION 1. Every person elected or appointed to fill any office under this act shall, before he enters upon the discharge of the duties of his office, take and subscribe an oath of office, to the effect that he will faithfully discharge the duties of his office, and will support the constitution of the United States and the constitution of the state of Wisconsin and the laws thereof, which oath shall be duly certified by the officer administering the same, and filed with the city clerk; and the treasurer, police justice, marshal and

such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Jefferson a bond in such sum and with such sureties and conditions as the common council may direct, and the common council may from time to time require new or additional bonds and remove from office any officer neglecting or refusing to give the same.

Duties of mayor.

SECTION 2. The mayor, when present, shall preside over all meetings of the common council, sign all orders upon the treasurer for the payment of money, all ordinances passed, and all commissions, licenses and permits granted by the common council, and shall take care that the laws of the state and the ordinances of the city within the corporation are duly enforced and observed, and that all officers of the city discharge their respective duties. He shall from time to time communicate to the common council such information and recommend such measures as he may deem advantageous to the city, and at all times give such information respecting city officers as the common council may require. In case of a riot or other disturbance or apparent necessity, he may appoint as many temporary assistant marshals as he may deem necessary. He shall have power to administer oaths or affirmations, and to take the acknowledgment of deeds, and other instruments in writing, and when presiding over any meeting of the common council shall have a vote only in case of a tie.

President.

SECTION 3. At the first meeting of the common council in each year, or as soon thereafter as may be, it shall proceed to elect by ballot one of its number president, and in the absence of the mayor the said president shall preside over the meetings of the common council, and during the absence of the mayor from the city, or his temporary inability from any cause, to discharge the duties of his office, the president shall execute all the powers and discharge all the duties of mayor. The common council, in case the mayor and president shall both be absent from any meeting thereof, shall proceed to elect a temporary presiding officer, who for the time being shall discharge the duties of mayor. The president or temporary presiding officer, while presiding over the council or performing the duties of mayor, shall be styled acting mayor, and acts performed by them as acting mayor shall have the same force and validity as if performed by the mayor.

Clerk.

SECTION 4. The city clerk, appointed by the common council, as hereinbefore provided, shall keep the corpo-

rate seal and all the papers and records of the city. He shall attend the meetings and keep in a book, to be provided by the common council for the purpose, a correct record of the proceedings of the common council, and of the doings and votes of the inhabitants of said city at their annual and other elections. He shall keep a full and accurate account of all orders drawn on the treasurer, in a book to be provided for that purpose, and shall keep all accounts of the city with individuals, and shall also keep an accurate account with the treasurer, and charge him with the amount of all tax lists delivered to him for collection and all sums of money paid into the treasury. He shall, within fifteen days after its publication, record in a book to be provided for that purpose, each ordinance passed by the common council, and the proof of publication of such ordinance. The records so kept by him, and the papers filed in his office, and copies of said records and papers duly certified by said clerk under the corporate seal, shall be received in evidence of the statements therein contained in all courts and tribunals.

Treasurer.

SECTION 5. The treasurer of said city shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances or resolutions of said city, or by the laws of this state. All moneys received, raised, recovered or collected by means of any tax, license, penalty, fine, forfeiture, or otherwise under the authority of this act, shall be paid to and received by him, and he shall pay the same out only upon a written or printed order signed by the mayor and countersigned by the clerk, by order of the common council. Such order shall specify the amount of money to be paid thereon, the name of the person to whom, and the purpose for which, it is to be paid. He shall keep a just and accurate account of all his receipts and disbursements in a book to be provided by the common council for that purpose, which book shall remain the property of the city, and in which he shall note the several sums received by him, the time when, the persons from whom, and the source from which each sum was received; and said book shall, at all seasonable times, be open to the inspection of the electors of said village. He shall, as often as the common council shall require, render to the common council a minute account of his receipts and disbursements, and at the expiration of his term of office, pay over and deliver to his successor all moneys, books, papers and vouchers in his possession belonging to said city.

SECTION 6. The marshal of said city shall attend all the meetings of the common council, and, in addition to the duties herein specifically named, shall perform such other duties as shall be prescribed by the common council for the preservation of the public peace and the collection of license money, fines, penalties and forfeitures. He shall possess all the powers of constables of towns, and be subject to the same liabilities. He may serve any process directed to him or to the sheriff or any constable of Jefferson county. It shall be his duty to suppress all riots, disturbances and breaches of the peace, to remove all obstructions from the streets and alleys of said city, to abate all nuisances in said city, and to arrest with or without process any person whom he shall find in any public place of said city in a state of intoxication, or making a loud or boisterous noise, or guilty of any act of lewdness or obscenity, or whom he may find in any place in said city engaged in any affrays or fights, or violating any ordinance, rule, regulation or resolution of said city made for the preservation of the peace and the good order thereof, or violating any law of this state, and having so arrested any such person, he shall, within a reasonable time thereafter, take him before competent authority to be dealt with according to law; it shall also be his duty to obey all written orders of the common council; and for all such services as are usually rendered by constables he shall receive the same fees as constables, and for other services rendered to said city he shall receive such compensation as the common council shall fix by order, ordinance or otherwise. **Marshal.**

SECTION 7. It shall be the duty of the street commissioner or commissioners of said city to build, construct, maintain and repair all such sidewalks, crosswalks, streets and alleys of said city as the common council shall direct him or them to build, construct, maintain or repair; and for all services rendered by him by direction of the common council, he shall receive such compensation as the common council shall fix by order, ordinance or otherwise. **Street commissioners.**

SECTION 8. It shall be the duty of the supervisors elected for the several wards of said city to attend the meetings of the county board of supervisors of Jefferson county, as members thereof. They shall receive no compensation for their services from said city. **Supervisors.**

SECTION 9. It shall be the duty of the city attorney to attend to all legal business of the city, and to advise the officers of said city as to their official duties when- **Attorney.**

ever his advice may be requested by them or either of them. He shall receive for his services such compensation as the common council shall fix by order, ordinance or otherwise.

Refusal to surrender.

SECTION 10. If any person having been an officer in said city, shall not, within ten days after demand therefor, deliver to his successor in office all property, moneys, books, papers and effects of every description in his possession, or under his control, belonging to said city or pertaining to the office he may have held, he shall forfeit and pay to the city one hundred dollars, to be disposed of according to law, besides all damages caused by his neglect or refusal so to deliver, and such successor may recover the possession of such property, books, papers and effects in the manner prescribed by the laws of this state.

Peace officers.

SECTION 11. The mayor, sheriff of Jefferson county, each and every alderman, police justice and marshal, shall be officers of the peace, and shall suppress in a summary manner all rioting and disorderly behavior within the limits of said city, and for such purpose may command the assistance of the bystanders, and if need be, of all citizens, and military companies; and if any person, bystander, military officer or private shall refuse to aid in maintaining the peace when so required, he shall forfeit and pay a fine of not exceeding fifty dollars; and in case when the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present in the order mentioned in this section, shall direct the proceeding.

Additional duties of council.

SECTION 12. The common council shall have power, from time to time, to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers or assistants as they may deem proper or necessary to carry into effect the provisions of this act, or to protect the rights of the city, and to prescribe the duties and fix the compensation of all such other officers.

CHAPTER VII.

THE COMMON COUNCIL — ITS GENERAL POWERS AND DUTIES.

Common council.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be, "The common council of the city of Jefferson do ordain," etc. A majority of the aldermen shall constitute a quorum; but no business,

except adjourning, shall be done, either at regular or special meetings, unless four of the common council vote in the affirmative.

SECTION 2. The common council shall hold stated meetings at such times and place as it shall by resolution direct: *provided, however*, that its first regular meeting shall be held the third Tuesday of April in each year; and the mayor may call, and upon the written request of not less than three aldermen, it shall be his duty to call, special meetings by notice to each of the aldermen, to be served personally, or left at their usual place of his abode, and all their meetings shall be open to the public. The common council shall determine the rules of its own proceedings, and keep a journal thereof, and be the judge of the election and qualification of its own members, and shall have power to preserve order and propriety in its proceedings, and to compel the attendance of its members and may adopt such by-laws, rules and regulations for its government as are not inconsistent with this act. Meetings.

SECTION 3. The common council shall have the management and control of the finances, and of all the property, concerns and effects of the city, and shall, in addition to the powers herein specifically vested in it, have full power to make, enact, ordain, establish, publish, enforce, alter, modify, change, amend, and repeal all such ordinances, rules, resolutions, orders, and by-laws for the government and good order of the city, for the suppression of vice and immorality, for the prevention of crime, for the protection against fires, and for the benefit of trade and commerce and the public health, as it shall deem expedient, declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules, resolutions, orders or by-laws; and such ordinances, rules, resolutions, orders and by-laws are hereby declared to be and have the force of laws; and the municipal court of said city, and all other courts of this state, shall take judicial knowledge of all such ordinances, the same as of general laws of this state: *provided*, they be not repugnant to the constitution or laws of the United States or the constitution of this state. Finances.

SECTION 4. The common council shall have power to organize, support and maintain fire companies, hook and ladder companies, to regulate their government, and the time and manner of their exercise; to provide all necessary engines, hose and hose Fire companies and precaution against fire.

carts, hooks and ladders and trucks, and all other necessary apparatus for the extinguishment of fires; to provide the necessary buildings for the safe and proper keeping of all such engines, hose and hose carts hooks and ladders and trucks and other apparatus; to require the owners of buildings to provide and keep suitable ladders and fire buckets, which are hereby declared appurtenances to the real estate exempt from seizure, distress or sale, in any manner for debt, separate from the real estate, and if the owner shall neglect, after reasonable notice, to provide suitable ladders or fire buckets, the common council may procure and deliver the same to him, and in default of payment therefor, the city may recover of such owner the cost of such ladder or fire buckets, or both together, with the cost of procuring and delivering them to him, and the costs of suit and the amount of such money shall be a lien on such real estate; to regulate the sale and storage of gunpowder and other dangerous substances; to direct the safe construction of a place for the deposit of ashes; to appoint one or more fire wardens, to enter into, at all reasonable times, and examine all dwelling houses, lots, yards, inclosures, and buildings of every description, in order to discover if any of them are in a dangerous condition, and to cause such as may be dangerous to be put in a safe condition; to regulate the manner of putting up stoves and stovepipes; to prevent fires, and the use of fireworks and firearms in said city, or such part thereof as it may think proper; to compel the inhabitants of such city, and all others who may be therein at the time a fire occurs, to aid in the extinguishment of fires, and to pull, break down and raze such buildings and structures, and to remove such goods or materials in the vicinity of the fire as it shall deem necessary for the purpose of preventing its communication to other buildings; to construct, maintain and preserve reservoirs, pumps, cisterns, wells and other water works, and to regulate the use thereof, and generally to establish such other measures of prudence for the prevention and extinguishment of fires as it may deem proper.

Further powers of council.

SECTION 5. The common council shall have power, by order, ordinance, rule, resolution, regulation or by-law:

Taxes.

1st. To adopt all requisite measures for levying and collecting taxes and assessments, in manner hereinafter provided.

License of showmen, etc.

2d. To license and regulate the exhibition of com-

mon showmen, caravans, circuses, theatrical performances, or shows of any kind; to restrain, license or prohibit the keeping of or playing upon billiard tables, pigeon-hole tables, or other tables for gaming.

Gaming.

3d. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice or other games of chance for the purpose of gaming in said city, and to authorize the destruction of all instruments and devices used for the purpose of gaming.

Riots, etc.

4th. To prevent any riots, noises, disturbances, disorderly conduct or disorderly assemblages, suppress and restrain disorderly houses, groceries and houses of ill-fame, and to provide for the abatement of all nuisances under the ordinances, or laws of this state, or at common law.

Nauseous places.

5th. To compel the owner or occupant of any grocery, cellar, slaughter house, tallow chandler's shop, soap factory, stable, barn, privy, sewer or other unwholesome or nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city, or the inhabitants of any part thereof.

Slaughter-houses and gunpowder.

6th. To direct the location and management of slaughter houses, and to prevent the erection, use or occupation of the same within the limits of said city, and to establish rates for and license vendors of gunpowder, and to regulate the storage, keeping and storing of the same, or other combustible materials.

Encumbering of streets, etc.

7th. To prevent the encumbering of streets, sidewalks, lanes or alleys with carriages, sleighs, wagons, boxes, lumber, firewood, or any other materials or substances whatever.

Fast driving, etc.

8th. To prevent horse racing, fast or immoderate riding or driving on the streets.

Running at large of animals

9th. To restrain the running at large of horses, cattle, mules, swine, sheep, poultry and geese, and to authorize the distraining, impounding and sale of the same.

Dogs.

10th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to ordinances.

Pound.

11th. To make and establish a pound, purchase the necessary grounds and materials for the same, and appoint a poundmaster.

Putrid substances.

12th. To prevent any person from bringing, depositing or leaving within said city any putrid carcasses, or

city clerk's office, and the said statement to be recorded in the records of said city; and the said statement shall be *prima facie* evidence, in all courts and before all tribunals, of the statements therein contained. Immediately after filing such statement, the clerk shall make out and deliver to each person who appears by such statement to have been elected to any office, a certificate of his election, under his hand and the seal of said city.

Appointive officers.

SECTION 10. All other officers necessary for the management of said city shall be appointed by the common council thereof, and the said common council shall, at its first regular meeting in each year, appoint one clerk, one treasurer, one marshal, one attorney, one or more street commissioners, and such other officers as the council shall deem it necessary to appoint at that time. In case the council shall for any reason fail or neglect to elect a clerk, a treasurer, a marshal, an attorney, one or more street commissioners, or either of them, at its first regular meeting in each year, the mayor shall call a special meeting of the common council, to be held within fifteen days after such regular meeting, at which special meeting the common council shall appoint such of said officers as it neglected or failed to appoint at its first regular meeting. Notice of the time and place of holding such special meeting, and of the officers to be appointed thereat, shall be published at least ten days before such meeting in some newspaper published in said city, or in case no newspaper is published therein, then by posting such notice up in at least five conspicuous places in said city, at least ten days before such special meeting.

Village officers.

SECTION 11. All the village officers of the village of Jefferson shall hold their respective offices until their successors shall be elected and qualified, or appointed and qualified under this act; and the term of every officer elected under this act shall commence the third Tuesday in April of the year for which he shall have been elected, and shall, unless otherwise provided, continue for one year, and until his successor is elected and qualified.

Duties of officers.

SECTION 12. All duties herein required of the mayor, aldermen, common council, or clerk, in regard to elections, shall be performed, so far as may be necessary, by the present president, trustees, board of trustees, and clerk of the village of Jefferson, in regard to the first election and the organization of the city government under this act.

SECTION 13. The first election of officers under the provisions of this act shall be held on the second Tuesday in April, A. D. 1878, and the president and any two trustees of the village of Jefferson shall be the inspectors, and the clerk of said village shall be the clerk of such election. First election.

SECTION 14. Should there be a failure of the people to elect any officer herein required to be elected on a day designated, the common council may order a new election to be held, and in such case the common council shall cause at least ten days' notice of the time and place of holding such election, and of the officers to be elected thereat, to be given by publishing such notice for at least ten days in a newspaper published in said city, or if no newspaper be published in said city, then by posting said notice in at least five conspicuous places in said city, at least ten days before said election. Failure to elect

SECTION 15. The common council may at any time, when in its judgment the interests of the city require it, appoint an assistant marshal or assistant marshals, and may remove the same at pleasure; and such assistant marshal or marshals, when so appointed, shall have the same power and authority, rights and privileges, and be subject to the same duties as the marshal of said city. Assistant marshal.

SECTION 16. Immediately after any corporation officer shall be elected or appointed and qualified, the clerk of said city shall, under his signature and the corporate seal of said city, make out two statements containing the names of the persons so elected or appointed and qualified, and the office to which each shall have been elected or appointed and qualified, and he shall transmit said statements, the one to the county clerk, and the other to the clerk of the circuit court of Jefferson county; and said clerks shall file and preserve the same in the same manner as they file and preserve like certificates of the election or appointment and qualification of town officers. City clerk to make statement of result of election.

CHAPTER V.

VACANCIES AND REMOVALS.

SECTION 1. The death, neglect to qualify, refusal to serve, or removal from said city, of any officer elected or appointed under this act, or his inability for any cause to discharge the duties of his office, or his removal by the common council as hereinafter provided, shall create a vacancy in such office, and the removal Vacancies.

of any alderman or supervisor from the ward for which he shall have been elected shall create a vacancy in the office held by him.

Removals.

SECTION 2. For good cause shown, the common council may remove any officer elected under this act, except mayor but before any officer shall be so removed, written charges shall be made against him and filed in the city clerk's office, and a copy of such charges, together with a written notice of the time and place, when and where the council will hear testimony to prove or disprove the same, shall be served upon such officer at least ten days before the time appointed for such hearing; and the officer against whom charges shall be so filed shall have the right to appear in person or by attorney, or both, at such hearing, and to examine witnesses, and present other pertinent evidence in his own behalf, and to cross-examine any witness that may be produced against him.

Vacancies.

SECTION 3. Whenever a vacancy shall occur in the office of mayor or police justice, the common council shall call and cause to be held a special election to fill such vacancy. Every special election shall be held in the same manner as annual elections, and the same notice shall be given as is required to be given of annual elections. Whenever a vacancy shall occur in any office other than that of mayor or police justice, the common council shall fill such vacancy by appointment at its next regular meeting after such vacancy occurs, or at a special meeting to be called for that purpose. Every person elected or appointed to fill a vacancy shall hold the office to which he shall have been elected or appointed for the unexpired term of his predecessor, and until his successor shall be elected or appointed and qualified.

CHAPTER VI.

OFFICERS — THEIR POWERS AND DUTIES.

Oath and bond of officials.

SECTION 1. Every person elected or appointed to fill any office under this act shall, before he enters upon the discharge of the duties of his office, take and subscribe an oath of office, to the effect that he will faithfully discharge the duties of his office, and will support the constitution of the United States and the constitution of the state of Wisconsin and the laws thereof, which oath shall be duly certified by the officer administering the same, and filed with the city clerk; and the treasurer, police justice, marshal and

such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Jefferson a bond in such sum and with such sureties and conditions as the common council may direct, and the common council may from time to time require new or additional bonds and remove from office any officer neglecting or refusing to give the same.

Duties of mayor.

SECTION 2. The mayor, when present, shall preside over all meetings of the common council, sign all orders upon the treasurer for the payment of money, all ordinances passed, and all commissions, licenses and permits granted by the common council, and shall take care that the laws of the state and the ordinances of the city within the corporation are duly enforced and observed, and that all officers of the city discharge their respective duties. He shall from time to time communicate to the common council such information and recommend such measures as he may deem advantageous to the city, and at all times give such information respecting city officers as the common council may require. In case of a riot or other disturbance or apparent necessity, he may appoint as many temporary assistant marshals as he may deem necessary. He shall have power to administer oaths or affirmations, and to take the acknowledgment of deeds, and other instruments in writing, and when presiding over any meeting of the common council shall have a vote only in case of a tie.

President.

SECTION 3. At the first meeting of the common council in each year, or as soon thereafter as may be, it shall proceed to elect by ballot one of its number president, and in the absence of the mayor the said president shall preside over the meetings of the common council, and during the absence of the mayor from the city, or his temporary inability from any cause, to discharge the duties of his office, the president shall execute all the powers and discharge all the duties of mayor. The common council, in case the mayor and president shall both be absent from any meeting thereof, shall proceed to elect a temporary presiding officer, who for the time being shall discharge the duties of mayor. The president or temporary presiding officer, while presiding over the council or performing the duties of mayor, shall be styled acting mayor, and acts performed by them as acting mayor shall have the same force and validity as if performed by the mayor.

Clerk.

SECTION 4. The city clerk, appointed by the common council, as hereinbefore provided, shall keep the corpo-

rate seal and all the papers and records of the city. He shall attend the meetings and keep in a book, to be provided by the common council for the purpose, a correct record of the proceedings of the common council, and of the doings and votes of the inhabitants of said city at their annual and other elections. He shall keep a full and accurate account of all orders drawn on the treasurer, in a book to be provided for that purpose, and shall keep all accounts of the city with individuals, and shall also keep an accurate account with the treasurer, and charge him with the amount of all tax lists delivered to him for collection and all sums of money paid into the treasury. He shall, within fifteen days after its publication, record in a book to be provided for that purpose, each ordinance passed by the common council, and the proof of publication of such ordinance. The records so kept by him, and the papers filed in his office, and copies of said records and papers duly certified by said clerk under the corporate seal, shall be received in evidence of the statements therein contained in all courts and tribunals.

Treasurer.

SECTION 5. The treasurer of said city shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances or resolutions of said city, or by the laws of this state. All moneys received, raised, recovered or collected by means of any tax, license, penalty, fine, forfeiture, or otherwise under the authority of this act, shall be paid to and received by him, and he shall pay the same out only upon a written or printed order signed by the mayor and countersigned by the clerk, by order of the common council. Such order shall specify the amount of money to be paid thereon, the name of the person to whom, and the purpose for which, it is to be paid. He shall keep a just and accurate account of all his receipts and disbursements in a book to be provided by the common council for that purpose, which book shall remain the property of the city, and in which he shall note the several sums received by him, the time when, the persons from whom, and the source from which each sum was received; and said book shall, at all seasonable times, be open to the inspection of the electors of said village. He shall, as often as the common council shall require, render to the common council a minute account of his receipts and disbursements, and at the expiration of his term of office, pay over and deliver to his successor all moneys, books, papers and vouchers in his possession belonging to said city.

SECTION 6. The marshal of said city shall attend all the meetings of the common council, and, in addition to the duties herein specifically named, shall perform such other duties as shall be prescribed by the common council for the preservation of the public peace and the collection of license money, fines, penalties and forfeitures. He shall possess all the powers of constables of towns, and be subject to the same liabilities. He may serve any process directed to him or to the sheriff or any constable of Jefferson county. It shall be his duty to suppress all riots, disturbances and breaches of the peace, to remove all obstructions from the streets and alleys of said city, to abate all nuisances in said city, and to arrest with or without process any person whom he shall find in any public place of said city in a state of intoxication, or making a loud or boisterous noise, or guilty of any act of lewdness or obscenity, or whom he may find in any place in said city engaged in any affrays or fights, or violating any ordinance, rule, regulation or resolution of said city made for the preservation of the peace and the good order thereof, or violating any law of this state, and having so arrested any such person, he shall, within a reasonable time thereafter, take him before competent authority to be dealt with according to law; it shall also be his duty to obey all written orders of the common council; and for all such services as are usually rendered by constables he shall receive the same fees as constables, and for other services rendered to said city he shall receive such compensation as the common council shall fix by order, ordinance or otherwise. **Marshal.**

SECTION 7. It shall be the duty of the street commissioner or commissioners of said city to build, construct, maintain and repair all such sidewalks, crosswalks, streets and alleys of said city as the common council shall direct him or them to build, construct, maintain or repair; and for all services rendered by him by direction of the common council, he shall receive such compensation as the common council shall fix by order, ordinance or otherwise. **Street commissioners.**

SECTION 8. It shall be the duty of the supervisors elected for the several wards of said city to attend the meetings of the county board of supervisors of Jefferson county, as members thereof. They shall receive no compensation for their services from said city. **Supervisors.**

SECTION 9. It shall be the duty of the city attorney to attend to all legal business of the city, and to advise the officers of said city as to their official duties when- **Attorney.**

ever his advice may be requested by them or either of them. He shall receive for his services such compensation as the common council shall fix by order, ordinance or otherwise.

Refusal to surrender.

SECTION 10. If any person having been an officer in said city, shall not, within ten days after demand therefor, deliver to his successor in office all property, moneys, books, papers and effects of every description in his possession, or under his control, belonging to said city or pertaining to the office he may have held, he shall forfeit and pay to the city one hundred dollars, to be disposed of according to law, besides all damages caused by his neglect or refusal so to deliver, and such successor may recover the possession of such property, books, papers and effects in the manner prescribed by the laws of this state.

Peace officers.

SECTION 11. The mayor, sheriff of Jefferson county, each and every alderman, police justice and marshal, shall be officers of the peace, and shall suppress in a summary manner all rioting and disorderly behavior within the limits of said city, and for such purpose may command the assistance of the bystanders, and if need be, of all citizens, and military companies; and if any person, bystander, military officer or private shall refuse to aid in maintaining the peace when so required, he shall forfeit and pay a fine of not exceeding fifty dollars; and in case when the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present in the order mentioned in this section, shall direct the proceeding.

Additional duties of council.

SECTION 12. The common council shall have power, from time to time, to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers or assistants as they may deem proper or necessary to carry into effect the provisions of this act, or to protect the rights of the city, and to prescribe the duties and fix the compensation of all such other officers.

CHAPTER VII.

THE COMMON COUNCIL — ITS GENERAL POWERS AND DUTIES.

Common council.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be, "The common council of the city of Jefferson do ordain," etc. A majority of the aldermen shall constitute a quorum; but no business,

except adjourning, shall be done, either at regular or special meetings, unless four of the common council vote in the affirmative.

SECTION 2. The common council shall hold stated meetings at such times and place as it shall by resolution direct: *provided, however*, that its first regular meeting shall be held the third Tuesday of April in each year; and the mayor may call, and upon the written request of not less than three aldermen, it shall be his duty to call, special meetings by notice to each of the aldermen, to be served personally, or left at their usual place of his abode, and all their meetings shall be open to the public. The common council shall determine the rules of its own proceedings, and keep a journal thereof, and be the judge of the election and qualification of its own members, and shall have power to preserve order and propriety in its proceedings, and to compel the attendance of its members and may adopt such by-laws, rules and regulations for its government as are not inconsistent with this act. Meetings.

SECTION 3. The common council shall have the management and control of the finances, and of all the property, concerns and effects of the city, and shall, in addition to the powers herein specifically vested in it, have full power to make, enact, ordain, establish, publish, enforce, alter, modify, change, amend, and repeal all such ordinances, rules, resolutions, orders, and by-laws for the government and good order of the city, for the suppression of vice and immorality, for the prevention of crime, for the protection against fires, and for the benefit of trade and commerce and the public health, as it shall deem expedient, declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules, resolutions, orders or by-laws; and such ordinances, rules, resolutions, orders and by-laws are hereby declared to be and have the force of laws; and the municipal court of said city, and all other courts of this state, shall take judicial knowledge of all such ordinances, the same as of general laws of this state: *provided*, they be not repugnant to the constitution or laws of the United States or the constitution of this state. Finances.

SECTION 4. The common council shall have power to organize, support and maintain fire companies, hook and ladder companies, to regulate their government, and the time and manner of their exercise; to provide all necessary engines, hose and hose Fire companies and precaution against fire.

carts, hooks and ladders and trucks, and all other necessary apparatus for the extinguishment of fires; to provide the necessary buildings for the safe and proper keeping of all such engines, hose and hose carts hooks and ladders and trucks and other apparatus; to require the owners of buildings to provide and keep suitable ladders and fire buckets, which are hereby declared appurtenances to the real estate exempt from seizure, distress or sale, in any manner for debt, separate from the real estate, and if the owner shall neglect, after reasonable notice, to provide suitable ladders or fire buckets, the common council may procure and deliver the same to him, and in default of payment therefor, the city may recover of such owner the cost of such ladder or fire buckets, or both together, with the cost of procuring and delivering them to him, and the costs of suit and the amount of such money shall be a lien on such real estate; to regulate the sale and storage of gunpowder and other dangerous substances; to direct the safe construction of a place for the deposit of ashes; to appoint one or more fire wardens, to enter into, at all reasonable times, and examine all dwelling houses, lots, yards, inclosures, and buildings of every description, in order to discover if any of them are in a dangerous condition, and to cause such as may be dangerous to be put in a safe condition; to regulate the manner of putting up stoves and stovepipes; to prevent fires, and the use of fireworks and firearms in said city, or such part thereof as it may think proper; to compel the inhabitants of such city, and all others who may be therein at the time a fire occurs, to aid in the extinguishment of fires, and to pull, break down and raze such buildings and structures, and to remove such goods or materials in the vicinity of the fire as it shall deem necessary for the purpose of preventing its communication to other buildings; to construct, maintain and preserve reservoirs, pumps, cisterns, wells and other water works, and to regulate the use thereof, and generally to establish such other measures of prudence for the prevention and extinguishment of fires as it may deem proper.

Further powers of council.

SECTION 5. The common council shall have power, by order, ordinance, rule, resolution, regulation or by-law:

Taxes.

1st. To adopt all requisite measures for levying and collecting taxes and assessments, in manner hereinafter provided.

License of showmen, etc.

2d. To license and regulate the exhibition of com-

mon showmen, caravans, circuses, theatrical performances, or shows of any kind; to restrain, license or prohibit the keeping of or playing upon billiard tables, pigeon-hole tables, or other tables for gaming.

3d. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice or other games of chance for the purpose of gaming in said city, and to authorize the destruction of all instruments and devices used for the purpose of gaming. Gaming.

4th. To prevent any riots, noises, disturbances, disorderly conduct or disorderly assemblages, suppress and restrain disorderly houses, groceries and houses of ill-fame, and to provide for the abatement of all nuisances under the ordinances, or laws of this state, or at common law. Riots, etc.

5th. To compel the owner or occupant of any grocery, cellar, slaughter house, tallow chandler's shop, soap factory, stable, barn, privy, sewer or other unwholesome or nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city, or the inhabitants of any part thereof. Nauseous places.

6th. To direct the location and management of slaughter houses, and to prevent the erection, use or occupation of the same within the limits of said city, and to establish rates for and license vendors of gunpowder, and to regulate the storage, keeping and storing of the same, or other combustible materials. Slaughter-houses and gunpowder.

7th. To prevent the encumbering of streets, sidewalks, lanes or alleys with carriages, sleighs, wagons, boxes, lumber, firewood, or any other materials or substances whatever. Encumbering of streets, etc.

8th. To prevent horse racing, fast or immoderate riding or driving on the streets. Fast driving, etc.

9th. To restrain the running at large of horses, cattle, mules, swine, sheep, poultry and geese, and to authorize the distraining, impounding and sale of the same. Running at large of animals

10th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to ordinances. Dogs.

11th. To make and establish a pound, purchase the necessary grounds and materials for the same, and appoint a poundmaster. Pound.

12th. To prevent any person from bringing, depositing or leaving within said city any putrid carcasses, or Putrid substances.

other unwholesome substances, and to require the removal of the same by any person who shall have upon his premises any such substances, and in default of such person removing the same, to authorize the removal thereof by some competent officer, at the expense of such person.

Stagnant water

13th. To require the owner of any lot or lots upon which there shall be any stagnant water, if deemed necessary for the health or welfare of the inhabitants of the city or of any part thereof, to fill up such lots, so as to prevent water from standing thereon, and in case any owner shall neglect so to fill up said lot or lots, after thirty days notice being served upon him personally, or posted at some public place in the vicinity of said lot or lots, or at the postoffice in said city, the said common council may cause the same to be done, and may levy and collect a tax on such lot or lots sufficient to pay the expense of so filling such lot or lots and the costs of giving such notice, in like manner as other corporation taxes are levied and collected.

Obstruction of sidewalks.

14th. To compel the owners or occupants of lots or parts of lots or lands to remove snow, ice, dirt, or rubbish from sidewalks, streets or alleys opposite to such lots or parts of lots or lands, and in default of such owners or occupants removing of the same, to authorize the removal thereof by some officer of the city, at the expense of such owner or occupants, and to levy and collect tax upon such lots or parts of lots or lands to pay such expense, in like manner as other corporation taxes are levied and collected.

Boards of health, cemeteries, etc.

15th. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead and the returns of bills of mortality, and to exempt burying grounds set apart for public use from taxation.

Improvement of streets.

16th. To make, lay out, open, keep in repair, grade, improve, alter, widen, vacate or discontinue streets, lanes, alleys, public squares, sewers and sidewalks, to keep them free from incumbrance, and to protect them from injury; and also to protect, maintain and regulate the setting out of shade or ornamental trees on the public squares or in the streets of said city.

Protection of sidewalks.

17th. To prevent all persons riding or driving any horse, ox, mule, cattle or other animals on the sidewalks in said city, or in any way doing damage to such sidewalks.

Police.

18th. To regulate the police of the city, to appoint watchmen and firemen, prescribe their duties, fix their compensations and punish their delinquencies.

19th. To provide for the cleaning out of the rivers in said city, of driftwood, and other obstructions, in said city, and to prevent any person placing in either of said rivers, within the boundaries of the city, any article of wood, stone, earth, or other substance which may retard the flow of water, or fill up or contract the bed of either of said rivers, or which may be prejudicial to the health of said city. Rivers.

20th. To regulate the taking of ice from the rivers in said city, to designate the localities therein from which ice may taken, and to prohibit the taking of ice from any other localities therein than such as are thus designated. Ice.

21st. To provide for the exemption from highway and poll taxes, of all persons belonging to any fire company, hose company or hook and ladder company organized in said city or under this act. Exemption of firemen.

22d. To call regular and special meetings of the voters of said city, prescribe the compensation of the clerk and other officers whose compensation is not herein fixed; to examine, audit and adjust the accounts of all persons; but the members of the common council shall receive no compensation whatever for their services as officers of said city. Meetings, compensation, etc.

23d. To prohibit the erection or construction of wooden buildings on such streets, alleys or blocks, or parts of streets, alleys or blocks, as the public safety may, in its judgment, seem to require. Wooden buildings.

24th. To insure the public property of said city. Insurance.

25th. To direct in the prosecution and defense of actions in which said city may be a party, or otherwise interested, and employ council for that purpose to assist the city attorney. Actions in court.

26th. To procure the necessary blank books for records, accounts, orders, etc., and such stationery as may be required for city purposes. Blank books, etc.

27th. To regulate and control the running of engines and cars through said city, and the rate and speed of the same, and to prevent the encumbering of streets, lanes, alleys, highways, sidewalks and crosswalks with railway cars or engines, or any other substance or materials pertaining to railways. Relating to railways.

28th. To restrain drunkards, immoderate drinking or obscenity in the streets or other place in said city, and to provide for the arresting, removing and punishing of any person who may be guilty of the same, and to restrain and punish vagrants. Disturbance of the peace.

29th. The common council shall have exclusive au- License of

nor selling and relating thereto

thority within the corporate limits of the city, to grant licenses for selling wine, beer, cider or spirituous, intoxicating, alcoholic, vinous, fermented, malt or mixed liquors, liquids or drinks, regulate and license groceries, taverns, hotels, victualing-houses and saloons; and all persons vending or dealing in such liquors, liquids or drinks, and to revoke the same; and no person shall vend, sell, deal in, or for the purpose of evading the provisions of law or of this act, or the ordinances, rules or regulations of said city, give away any such wine, beer, cider, or intoxicating, spirituous, alcoholic, vinous, fermented, mixed or malt liquors or drinks, within such corporate limits without having first obtained a license therefor as provided by this act, the laws of this state and the ordinances of said city. Any person who shall in any manner violate any of the provisions of this section or of the ordinances or the laws herein referred to shall, on conviction thereof, be punished as provided by the laws of this state, and the ordinances of this city on that subject, and all such offenses may be prosecuted as provided by such laws and ordinances. All moneys received from such licenses shall be paid to the treasurer of said city for its use. The sum to be paid for any such license, shall not be less than fifty dollars, for a retail license, nor less than twenty-five dollars for a wholesale license. In all prosecutions for any violation of this section, or the laws or ordinances herein referred to, it shall be sufficient to allege in general terms the selling, vending, dealing in or giving away without such license of any such inhibited liquors, liquids or drinks, and the proof on the trial, of such selling, vending, dealing in or giving away to any person of any such inhibited liquors, liquids or drinks, shall be sufficient to warrant and sustain a conviction; proof that the person charged kept a bar, side-board or any thing or fixtures with bar furniture, usually used by persons vending or dealing in such inhibited liquors, liquids or drinks, and that any persons obtained or had such inhibited liquors, liquids or drinks in the room containing such bar, side-board or other furniture or fixtures, shall be *prima facie* evidence sufficient to warrant and sustain a conviction; proof that he delivered any such inhibited liquors, liquids or drinks to any person, shall also be *prima facie* evidence, sufficient to warrant and sustain a conviction for any such violation.

Restraints.

30th. The common council shall have power to prohibit any person from selling, giving or delivering to

any such person, as the council may designate, any of the liquors, liquids or drinks mentioned in the preceding subdivision of this section. A notice in writing under the hand of the mayor or any alderman, or of the clerk, shall be a sufficient notice to all persons of such prohibition. A duplicate of such notice shall be filed in the office of the city clerk, and such duplicate shall be *prima facie* evidence of the contents of the same. In all prosecutions under this subdivision, proof that the person charged delivered or caused to be delivered any such inhibited liquors, liquids or drinks to the person prohibited, shall also be *prima facie* evidence, sufficient to warrant and sustain a conviction in all cases.

Hawkers and peddlers.

31st. To license, regulate, restrain, or suppress hawkers, peddlers, auctioneers, so-called Cheap Johns, transient dealers and persons who travel from place to place to sell goods, wares or merchandise, and sales by hawkers, peddlers, auctioneers, so-called Cheap Johns and transient dealers and persons who travel from place to place to sell goods, wares or merchandise, within the limits of said city, and when licensed, to fix the amount to be paid for such license. And no hawker, peddler, auctioneer, so-called Cheap John, transient dealer or person who travels from place to place to sell goods, wares or merchandise, shall sell or offer for sale within the limits of said city, any goods, wares or merchandise, except farm, dairy, nursery and greenhouse products, without having first obtained a license therefor according to this act, the laws of the state and the ordinances of said city; and any person who shall in any manner violate any of the provisions of this subdivision, or of the ordinances or laws herein referred to, shall, on conviction thereof, be punished as provided in the laws of this state, and the ordinances of said city, on that subject. And after the common council shall have passed an ordinance requiring a license of the persons herein described, no state license alone shall be sufficient to authorize or empower the license therein named, or the holder thereof, to make any of the sales herein inhibited: *provided, however*, that traveling peddlers who deal solely with merchants and tradesmen by wholesale shall be exempt from the provisions of this subdivision, and shall not be required to take out any license thereunder, or by any ordinance passed pursuant thereto.

Wood, lime, etc

32d. To provide by ordinance for the measuring or weighing of wood, lime and other articles sold in said city.

Contracts.

33d. To let by contract, to the lowest bidder, all work to be done for said city.

Removal of officers.

34th. To remove, for good cause shown, any officer of said city, except mayor.

Number of liquor licenses to be limited.

SECTION 6. The common council shall, at its first regular meeting after the annual election in April of each year, by resolution to be entered on the records, limit and determine the number of licenses for the sale of wine, beer, cider, or spirituous, intoxicating, alcoholic, vinous, fermented, malt or mixed liquors, liquids or drinks during the ensuing year, and shall in said resolution fix the amount to be paid for each such license, which shall in no case be less than fifty dollars for a retail license, and twenty-five dollars for a wholesale license. Every license granted by the common council in such year, in excess of the number limited and determined in such resolution, or for less than the amount so fixed in said resolution, to be paid for each such license, shall be absolutely void, and shall confer no rights or privileges upon any one, and shall not be received as evidence for any purpose in any prosecution for selling, giving away or dealing in any such inhibited liquors, liquids or drinks without license.

Provision for penalties.

SECTION 7. In all cases in relation to which, by the provisions of this act, the common council has power to enact or pass ordinances, resolutions or by-laws in relation to any subject, it may prescribe any penalty for the violation of such ordinance, resolution or by-law, not exceeding fifty dollars for any one offense in violation or non-observance thereof, and may also provide that in default of payment of any judgment rendered for such violation or non-observance, the person charged shall be imprisoned in the county jail of Jefferson county for such time as the council may by such ordinance direct, not exceeding forty days for any one offense, for which purpose the said city shall have the use of the common jail of Jefferson county, and all persons committed to jail by virtue of this act or pursuant to the ordinances, resolutions or by-laws of said common council, shall be under the charge of the sheriff of said county for the time for which they shall have been so committed.

CHAPTER VIII.

ORDINANCES.

Style of ordinances.

SECTION 1. The style of all ordinances shall be: "The common council of the city of Jefferson do or-

dain," etc. Every ordinance passed by the common council shall be signed by the mayor and countersigned by the clerk, but the failure of either or both of said officers to so sign or countersign any ordinance, which shall have been duly passed by the council, shall not invalidate any such ordinance.

Publication of ordinances.

SECTION 2. All ordinances, rules, resolutions, regulations, orders or by-laws imposing any penalty or forfeiture for the violation of their provisions, appropriating money, creating a debt or levying or assessing a tax, shall be published in a newspaper published in said city, before the same shall be in force, and within fifteen days thereafter they shall be recorded by the city clerk in a book to be provided for that purpose, but before any of said ordinances, rules, resolutions, orders or by-laws shall be recorded, the publication thereof shall be proved by the affidavit of the printer or publisher of such paper, and such affidavit shall be recorded therewith, and the said record, as well as copies thereof duly certified by the clerk under the seal of the city, shall be received and considered in all courts and before all tribunals as sufficient evidence of the passage and publication of such ordinances, rules, resolutions, regulations, orders and by-laws.

Regulations of village to apply

SECTION 3. All ordinances, by-laws, rules, regulations and resolutions now in force in the village of Jefferson, Jefferson county, Wisconsin, not inconsistent with this act, shall remain in force under this act, until altered, modified, changed, amended or repealed by the common council, after this act shall take effect; and all such ordinances, by-laws, rules, regulations and resolutions shall, after this act shall take effect, and before the same shall be so altered, modified, changed, amended or repealed, be taken, held, considered and declared on, as and to be ordinances, by-laws, rules, regulations and resolutions of said city, the same as if they had been duly passed and published, as provided in this act.

CHAPTER IX.

FINANCES AND EXPENDITURES.

Funds.

SECTION 1. All moneys, credits and demands belonging to said city shall be kept by and deposited with the city treasurer, and be under the control of the common council, and shall be drawn out only upon the order of the mayor and clerk, authorized by a vote of the said council, as herein provided, and in no other manner.

Contracts.

33d. To let by contract, to the lowest bidder, all work to be done for said city.

Removal of officers.

34th. To remove, for good cause shown, any officer of said city, except mayor.

Number of liquor licenses to be limited.

SECTION 6. The common council shall, at its first regular meeting after the annual election in April of each year, by resolution to be entered on the records, limit and determine the number of licenses for the sale of wine, beer, cider, or spirituous, intoxicating, alcoholic, vinous, fermented, malt or mixed liquors, liquids or drinks during the ensuing year, and shall in said resolution fix the amount to be paid for each such license, which shall in no case be less than fifty dollars for a retail license, and twenty-five dollars for a wholesale license. Every license granted by the common council in such year, in excess of the number limited and determined in such resolution, or for less than the amount so fixed in said resolution, to be paid for each such license, shall be absolutely void, and shall confer no rights or privileges upon any one, and shall not be received as evidence for any purpose in any prosecution for selling, giving away or dealing in any such inhibited liquors, liquids or drinks without license.

Provision for penalties.

SECTION 7. In all cases in relation to which, by the provisions of this act, the common council has power to enact or pass ordinances, resolutions or by-laws in relation to any subject, it may prescribe any penalty for the violation of such ordinance, resolution or by-law, not exceeding fifty dollars for any one offense in violation or non-observance thereof, and may also provide that in default of payment of any judgment rendered for such violation or non-observance, the person charged shall be imprisoned in the county jail of Jefferson county for such time as the council may by such ordinance direct, not exceeding forty days for any one offense, for which purpose the said city shall have the use of the common jail of Jefferson county, and all persons committed to jail by virtue of this act or pursuant to the ordinances, resolutions or by-laws of said common council, shall be under the charge of the sheriff of said county for the time for which they shall have been so committed.

CHAPTER VIII.

ORDINANCES.

Style of ordinances.

SECTION 1. The style of all ordinances shall be: "The common council of the city of Jefferson do or-

dain," etc. Every ordinance passed by the common council shall be signed by the mayor and countersigned by the clerk, but the failure of either or both of said officers to so sign or countersign any ordinance, which shall have been duly passed by the council, shall not invalidate any such ordinance.

Publication of ordinances.

SECTION 2. All ordinances, rules, resolutions, regulations, orders or by-laws imposing any penalty or forfeiture for the violation of their provisions, appropriating money, creating a debt or levying or assessing a tax, shall be published in a newspaper published in said city, before the same shall be in force, and within fifteen days thereafter they shall be recorded by the city clerk in a book to be provided for that purpose, but before any of said ordinances, rules, resolutions, orders or by-laws shall be recorded, the publication thereof shall be proved by the affidavit of the printer or publisher of such paper, and such affidavit shall be recorded therewith, and the said record, as well as copies thereof duly certified by the clerk under the seal of the city, shall be received and considered in all courts and before all tribunals as sufficient evidence of the passage and publication of such ordinances, rules, resolutions, regulations, orders and by-laws.

Regulations of village to apply

SECTION 3. All ordinances, by-laws, rules, regulations and resolutions now in force in the village of Jefferson, Jefferson county, Wisconsin, not inconsistent with this act, shall remain in force under this act, until altered, modified, changed, amended or repealed by the common council, after this act shall take effect; and all such ordinances, by-laws, rules, regulations and resolutions shall, after this act shall take effect, and before the same shall be so altered, modified, changed, amended or repealed, be taken, held, considered and declared on, as and to be ordinances, by-laws, rules, regulations and resolutions of said city, the same as if they had been duly passed and published, as provided in this act.

CHAPTER IX.

FINANCES AND EXPENDITURES.

Funds.

SECTION 1. All moneys, credits and demands belonging to said city shall be kept by and deposited with the city treasurer, and be under the control of the common council, and shall be drawn out only upon the order of the mayor and clerk, authorized by a vote of the said council, as herein provided, and in no other manner.

Fines.

SECTION 2. All fines, forfeitures and penalties accruing to said city for the violation of this act, or any ordinance, by-law, rule or regulation of said city, and all moneys received from licenses, shall be paid into the city treasury for the use of the city, and shall become a part of the general fund.

Accounts.

SECTION 3. All accounts and demands against the city, before the same shall be acted upon, shall be verified by affidavit to the effect that the said account or demand is just, correct and true, and that the same has not been paid, nor any part thereof. Before the final disposition of any such account or claim, the same shall be indorsed as follows: If allowed in part or in whole the word "allowed," and the amount allowed shall be endorsed thereon, and if disallowed, the word "disallowed" shall be endorsed thereon, which indorsement shall be made and signed by the clerk. A memorandum of each and every account or claim allowed by said common council, shall be entered upon the minutes of the proceedings thereof, setting forth to whom the account or claim was allowed, for what purpose, and the amount; and no account or claim against said city shall be paid until it shall have been presented to and allowed by the common council, as provided by this act, and every account or claim duly allowed in any amount, shall be filed in the clerk's office, together with the affidavit thereto attached; and every account or claim presented in any year, shall be numbered from one and upwards, and filed by the clerk in the order in which they were received.

Funds for extraordinary purposes—how appropriated.

SECTION 4. No money shall be expended for any special or extraordinary purpose, unless said expenditure shall have been authorized by a vote in favor thereof of a majority of the qualified electors of said city voting at a general or special election. The ballots cast upon such question shall contain the words "for the appropriation," or "against the appropriation," either written or printed, or partly written and partly printed, and shall be deposited in a separate box. Said ballots shall be canvassed, and a statement made and the result declared in the same manner as is provided in this act for the canvass of votes upon the election of officers of said city.

CHAPTER X.

ASSESSMENT AND COLLECTION OF TAXES.

Poll tax.

SECTION 1. The common council of said city shall have, and is hereby granted, power to tax annually,

each male person or inhabitant within the corporate limits of said city, between the ages of twenty-one and sixty years, a sum not to exceed two dollars to be appropriated to the improvement of streets, roads and crosswalks within the corporate limits of said city, which amount shall be collected by and paid to the city treasurer as hereinafter provided, and when so collected and paid, shall be expended and paid out by and under the direction of the common council, or such person or persons as the common council may appoint.

Poll tax list.

SECTION 2. The clerk of said city shall, on or before the first Monday in June of each and every year, make and present to the common council, a list of the names of all male persons between the ages of twenty-one and sixty years, who may be residents of said city on such first day of June. The names on said list shall be arranged by wards, so as to conform to the wards provided for in this act, and so that the names of the residents of each ward shall appear in said list in a group by themselves; but any mistake in grouping said names shall in no respect interfere with or prejudice the collection of the amount which the common council may have directed to be collected. The common council shall thereupon correct such list if it shall be necessary, by adding or striking out names, so that the said list shall contain the name of every male person between the ages of twenty-one and sixty years, who are residents of said city, and may also strike from said list the name of any person who, in its judgment, may not be able bodied, or who may be unable to pay the said tax. When said list shall have been corrected as herein provided, the clerk of said city shall affix thereto the ordinance or resolution fixing the amount to be paid, and shall carry out the amount to be paid, opposite to each person's name on said list, and shall thereupon deliver said corrected list, with said ordinance or resolution thereto affixed, to the treasurer of said city for collection.

Collection of poll tax.

SECTION 3. As soon as the city treasurer receives said corrected list, as provided in the preceding section, he shall proceed to collect the same. He shall demand of each person named in said list the amount set opposite his name therein, and if any such person neglects to pay the same for ten days after such demand, an action may be brought against such person for the amount of said tax, with damages, as hereinafter provided. If the treasurer finds that any person or per-

sons' name has been left off the list that should appear thereon, under the provisions of this act, he shall put the name of such person or persons on the list, and the proper amount opposite thereto, and demand the same of such person or persons; and the money may be collected of such person or persons, the same as if his or their names had originally been placed on said list by the clerk.

May sue for poll tax.

SECTION 4. If any person, upon whom a tax not to exceed two dollars for highway, road, or crosswalk purposes, is assessed or required, as appears by said list, shall for the space of ten days after demand shall have been made of him by the treasurer, as hereinbefore provided, neglect or refuse to pay the same as required by ordinance or resolution of the common council, the said city, in its corporate name, may sue for and collect of such persons the amount of such tax, with fifty per cent. damages on the same, together with costs of suit, before the police justice herein provided for, or before any justice of the peace of Jefferson county; and in case the judgment rendered in such action is not paid, execution shall issue thereon against the body of the defendant in such action.

Return of list.

SECTION 5. On the first Monday in October in each and every year, or sooner, if required by the common council, the treasurer shall return said list to the common council, with a statement under his oath thereto attached, which statement shall contain the names of all persons on said list from whom he has received the tax, the amount received from each, the total amount received from all, the names of all persons on said list from whom he has not received such tax, and the date of demanding such tax from each of such delinquent persons: *provided, however*, that in case any person be named on said list of whom a demand has not been made, the treasurer shall state the reason why the demand was not made.

Additional tax for highways.

SECTION 6. In case the highway tax provided for in the preceding section of this chapter, shall not, in the judgment of the common council, be sufficient to improve and keep in repair the streets, roads, highways and crosswalks of said city, the common council shall have full power to levy and collect on all the taxable property of said city an additional tax for that purpose.

Improvement of streets.

SECTION 7. All highway taxes assessed or payable on property or persons resident or living within said city, shall be assessed, collected and expended by the

order of the common council of said city, or under its directions, and the said council may expend the same on any street, road, highway or crosswalk therein. The said common council shall also have the power to expend and lay out upon any highway in the town of Jefferson which leads into said city, a portion of the tax assessed, not to exceed one-third thereof in any one year, when in the judgment of the common council it will be for the interest of said city so to do.

Overseer of highways.

SECTION 8. No overseer of highways shall be elected for the town of Jefferson or any highway tax be levied or assessed by said town, within the limits of said city, and the said town shall have no jurisdiction or control over the streets or highways within said city, except for the purpose of building and keeping in repair the bridges therein; and it shall be the duty of said town to build and keep in repair the bridges within said city the same as it has heretofore built and kept in repair the bridges within the village of Jefferson.

Levy of taxes.

SECTION 9. All taxes raised and collected in said city of Jefferson, either general or special, for any purpose authorized by this act, shall be levied and assessed upon the same kinds of property, real and personal, within the corporate limits of said city, as taxes for town, county and state purposes are levied and assessed.

Levy of tax and tax-roll.

SECTION 10. The common council of said city shall on or before the first Monday of November in each year by resolution, to be entered on the records, determine the amount of corporation tax for all purposes to be levied and assessed on the taxable property within the corporation limits of said city for that year: *provided, however*, that the total amount of such tax shall not in any one year exceed one mill on the dollar of the assessed valuation of the taxable property in said city as it appears upon the assessment roll for that year, unless a greater sum shall have been authorized to be raised by a vote in favor of such greater sum, of a majority of the qualified electors of said city, had and taken in the manner provided in section four of chapter nine of this act. The clerk of said city shall, on or before the third Monday of the said month of November, in each year, deliver to the town clerk of the town in which said city is situated, a certified copy, under his signature and the corporate seal of said city, of all resolutions of said common council, determining the amount of taxes, general and special, to be levied and assessed

in said city for that year, together with a description of the territory included within the corporate limits of said city.

Tax roll and warrant.

SECTION 11. The town clerk or other proper officer, as the case may be, of the town in which said city is situated, shall assess, apportion and carry out such corporation tax, pro rata, according to the dollar valuation upon all the real and personal property in said city liable therefor, in a separate column, in the tax and assessment roll and warrant of his town next thereafter issued and delivered to the town treasurer of his town for collection, in the same manner as he shall assess, apportion and carry out the town, county and state taxes; and if for any reason such corporation taxes shall not be assessed, apportioned and carried out in the next assessment roll and warrant, as herein provided, it shall, or may be, assessed, apportioned, carried out and collected in that of any succeeding year. The said corporation taxes shall be in all respects collected or returned delinquent, in the same manner as town, county and state taxes are collected or returned delinquent by law, and when collected shall be paid over by every officer collecting or receiving the same to the treasurer of said city. Any officer or person who shall neglect or refuse on demand, to pay over to the treasurer of said city, any such corporation taxes, when collected or received by him in any manner, shall be liable to an action therefor, with twenty-five per cent. damages, to be added thereto, to be sued for and recovered by said city in its corporate name, both against such defaulting or other person and his sureties.

Assessment.

SECTION 12. The town assessor of the town in which said city is situated, in assessing the taxable property in his town in each year, shall assess the taxable property, real and personal, within the corporate limits of said city, in one continuous part of his assessment roll, and foot up the valuation of all the items of property assessed and valued by him within said limits.

CHAPTER XI.

LAYING OUT, OPENING, ENLARGEMENT, ETC., OF STREETS, ETC.

Application for opening of streets, etc.

SECTION 1. The common council shall have the power to lay out, open, widen and enlarge public squares, grounds, streets and alleys, as follows: Whenever ten or more freeholders, residing in said city, shall, by peti-

tion, represent to the common council that it is necessary to take certain lands, within said city, for the purpose of laying out any public square, grounds, street or alley, or the enlargement or widening of the same, and shall state, in such petition, the courses and distances, routes and bounds of the land proposed to be taken, together with the names and residences of the owners of such lands, if the same shall be known to the petitioners, the common council shall thereupon cause notice of such application to be given to such owners as well as to the occupant or occupants of said land, if any there be, by causing notice thereof to be published for four weeks, at least once in each week, in a newspaper published in said city.

Application for appointment of jurors.

SECTION 2. Such notice shall describe, as near as may be, the land proposed to be taken, and shall state that at a time and place therein to be named, not less than ten days from the expiration of the four weeks' publication of such notice, application will be made to the judge of the circuit or county court of Jefferson county for the appointment of six jurors to view said land, and to determine whether it will be necessary to take the same for the purpose specified in said petition. Such notice shall be signed by the mayor and countersigned by the clerk.

Appointment of jurors.

SECTION 3. Upon presentation to such judge, of certified copies of such petition and notice, duly certified under the hand of the clerk and the corporate seal of said city, together with the proof of the publication of such notice, as hereinbefore required, the said judge shall thereupon select six reputable freeholders, residents of the town of Jefferson, Jefferson county, Wisconsin, but not of said city, not interested in the result of such application, as jurors, for the purpose aforesaid, and shall issue his precept, directed to said jurors, and requiring them, within thirty days, to view said land, which shall be described in said precept, and to make return under their hands to the common council of said city whether, in their judgment, it is necessary to take said land for the purpose specified in said petition.

Vacancies.

SECTION 4. If any of the jurors so selected shall be disqualified from acting, or shall refuse to act, the judge shall select others in their places, and a memorandum of such substitution shall be indorsed on the precept.

Oath of jurors.

SECTION 5. The said jurors, before entering upon the discharge of their duties, shall severally take an

oath before some competent officer to the effect that they are freeholders of the said town of Jefferson, and are not interested in the land proposed to be taken, and that they will faithfully and impartially discharge the trust reposed in them, and they shall, at such times as they may agree upon, proceed in a body to view the land in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of the jury, and either of the jurors shall be authorized to administer the necessary oaths to witnesses.

Report of jurors

SECTION 6. After viewing the land, and hearing such testimony as may be offered, the jurors shall determine whether, in their judgment, it is necessary to take said land for the public use mentioned in said petition, and shall make a report of their proceedings which shall be signed by each of them, and in which they shall state, whether in their judgment it is necessary to take the land in question for the public use mentioned in said petition, which said report, testimony and precept, together with the certified copies of the petition and notice, and the proof of publication upon which said judge acted, shall be returned to the common council, within the time limited in said precept.

Assessment of damages.

SECTION 7. Should the jurors report that it is necessary to take said land for the purpose mentioned in said petition, the common council shall enter an order among its proceedings, confirming said report, and directing the same jurors, on a day to be specified in said order, not later than sixty days from its date, again to view said land for the purpose of ascertaining and determining the amount of damages to be paid to the owner or owners of the land proposed to be taken, and to assess and return, within sixty days from the date of such order, such damages to the common council. And after the jurors shall have made their report as to the necessity of taking any lands under this act, and the same shall have been confirmed, the county judge of said county shall have power to appoint new jurors in the place of any who shall neglect or refuse to serve, in ascertaining the amount of compensation as above, and the new jurors so appointed shall, before entering upon the discharge of their duties in the premises, severally take an oath before some competent officer, to the same effect as the oath hereinbefore required to be taken by the jurors first appointed.

Of buildings on land to be taken for public use.

SECTION 8. If there should be any building, in whole or in part, upon the land to be taken the jurors,

before proceeding to make their assessment, shall first estimate and determine the value of such building to the owner, aside from the value of the land, and the injury to him in having such building taken from him; and secondly, the value of such building to him to remove, and shall report such estimate and determination to the common council; whereupon the common council shall cause a notice to be given to the owner of such building, or his agent, to signify to the common council his election either to accept the award of the the jurors, and allow such building to be taken with the land appropriated, or his intention to remove such building. Such notice shall describe the building, specify the award of the jurors, and designate a day, not later than twenty days from the date of such notice, on or before which such election is to be signified, the time within which such building must be removed, in case the owner elects to remove the same, and shall be served personally on the owner of such building, or his agent, if known, and a resident of said city, or left at his usual place of abode; if not known, said notice shall be served by publishing the same in a newspaper published in said city, for two successive weeks.

Council may sell buildings on land taken for public use.

SECTION 9. If the owner shall fail to take the building at its value to remove, as so determined by such jury, or fail to signify his election as aforesaid, within the time prescribed, the common council shall have power to direct the sale of such building at public auction, for cash, giving ten days' notice of such sale, and the proceeds of such sale shall be paid to the owner or deposited to his use.

Damages and benefits.

SECTION 10. The said jurors shall, within the time limited, view and examine the lands proposed to be taken, and all such premises as will in their judgment, be injured or benefited thereby. After hearing such testimony as may be offered by any party interested, which shall be reduced to writing by one of said jurors, they shall proceed to make their assessment, and to determine and appraise to the owner or owners, the actual value in money of the land so proposed to be taken, and the injury resulting to such owner or owners in consequence of the taking thereof, which shall be awarded to such owners respectively as damages. In the estimates of the damages to the lands, the jurors shall include the value of the building or buildings (if the property of the owner of such lands), as estimated by them as aforesaid, less the proceeds of the sale thereof, or if taken by the owner at the value to re-

move, in such case they shall only include the difference between such value and the whole estimated value of such building or buildings, according to section eight of this chapter.

When belonging to different owners.

SECTION 11. If the lands or buildings belong to different persons, or if the land is subject to lease, judgment or mortgage, or if there be any estate in it less than an estate in fee, the injury done to such persons or interests respectively, shall be awarded to them by the jurors.

Award of jurors

SECTION 12. The award of said jurors shall be signed by them, and returned with the testimony taken and the order mentioned in section seven of this chapter, to the common council, within the time limited in such order.

Appeal.

SECTION 13. Any person whose property is proposed to be taken as hereinbefore provided, who shall feel himself aggrieved by the assessment of damages made by said jurors, may, within ten days after the return of said jurors is made to the common council appeal from such assessment of damages to the circuit court of Jefferson county, by causing a written notice of such appeal to be served on the clerk of said city, and by executing to said city and filing with said clerk a bond with two or more sufficient sureties in the penal sum of five hundred dollars, conditional that the appellant will pay to said city all costs that it may sustain by reason of such appeal, in case the assessment of damages appealed from shall not be raised on the trial of such appeal. The common council shall also have the right to appeal from any assessment of damages made by such jurors, by filing with the clerk a notice of such appeal within ten days aforesaid. Within ten days after any appeal shall have been perfected as herein provided, the clerk of said city shall transmit to the clerk of the circuit court of Jefferson county certified copies of the award of said jurors, and of the notice of appeal and of the bond, when a bond is required, which said copies shall be certified under his hand and the corporate seal of said city, and the clerk of said court shall, on receipt of said certified copies, file the same in his office, and upon the same being so filed by him, the said court shall have juridiction of said appeal, and said appeal shall be tried by said court and a jury, the same as if it were an appeal from the judgment of a justice of the peace. Within ten days after a judgment shall have been entered on such appeal, the clerk of said court shall cause a certified copy

of such judgment to be filed with the clerk of said city; and upon the filing of a certified copy of such judgment with the clerk of said city, the amount of damages therein awarded to the appellant (or respondent in case the city appeals), shall be taken and considered as the amount of damages to be paid by the city to such appellant or respondent, the same as if said jurors had originally fixed such damages at that sum in their award.

First to be paid for.

SECTION 14. The land required to be taken for the purpose mentioned in this act shall not be appropriated until the damages awarded therefor or party entitled thereto, shall be paid or tendered to the owner or party entitled thereto, or his agent, or in case the said owner or party entitled thereto or agent cannot be found, or is unknown, deposited to his or their credit in some safe place of deposit, and then and not before, such lands may be taken and appropriated for the purposes required, and the same shall thereafter be subject to all the laws and ordinances of the city in the same manner as streets, alleys and public grounds opened or laid out.

Damages must be tendered within one year

SECTION 15. The damages assessed shall be paid or tendered or deposited as herein provided, within one year from the time the award of said jurors shall have been returned to the common council, or in case an appeal has been taken from said award, within one year from the time a certified copy of the judgment of the court shall have been filed with the city clerk as hereinbefore provided; and if not so paid, tendered or deposited, all the proceedings in such case shall be void.

When lands may be appropriated.

SECTION 16. The city may, at any time within the said year, pay, tender or deposit, as herein required, the damages assessed in any such case; and whenever said damages have been so paid, tendered or deposited, it shall be the duty of the common council to enter an order among its proceedings to take and appropriate the lands for the purposes required.

Contracts, etc., annulled.

SECTION 17. When the whole of any tract or lot, or other premises, under lease or other contract, shall be taken by virtue of this act, all the covenants, contracts or engagements between landlord and tenant or other contracting parties, touching the same or any part thereof, shall, upon the confirmation of such award, respectively cease and be absolutely discharged.

Contracts, etc., annulled.

SECTION 18. When only part of a lot or tract of land or other premises so under lease or other contract shall be taken for any of the purposes aforesaid, all the cove-

nants, contracts or agreements respecting the same, upon the confirmation of such award, shall be absolutely discharged as to the part thereof taken, but shall remain valid as to the residue thereof, and the rents, considerations and payments reserved, payable and to be paid for or in respect to the same, shall be so proportioned as that the part thereof justly and equitably payable for such residue thereof, and no more, shall be payable or recoverable for or in respect to the same.

Guardian.

SECTION 19. When any known owner of any lands or tenements affected by any proceeding under this chapter shall be an infant, or labor under any legal disability, the county judge of Jefferson county may, upon application of the common council, or of such party or his next friend, appoint a guardian of such party for the purposes of said proceeding, and all notices required by this act shall be served upon such guardian.

Survey.

SECTION 20. When any public grounds, streets or alleys shall be laid out, widened or enlarged under the provisions of this chapter, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city clerk.

Expense to be borne by city.

SECTION 21. The expense of laying out, opening, widening, enlarging, improving and repairing streets, alleys, roads, crosswalks and public grounds shall be paid from the general fund, or funds expressly appropriated for that purpose.

CHAPTER XII.

CONSTRUCTION, REPAIR AND RECONSTRUCTION OF SIDEWALKS.

Construction of sidewalks.

SECTION 1. Sidewalks in said city shall be constructed only in the manner following, that is to say: Whenever the owners of two-thirds of the lots, or of the lands, on any street or part of street, or on one side of any block in said city, desire to have a sidewalk constructed along such street or part of street, or along the side of any block upon which their said lots or lands abut, they shall make and file with the city clerk a petition in writing, which petition shall describe the street or part of street or the side of the block along which they desire such sidewalk to be constructed, and shall give the names of the owners of the lots or lands on such street, part of street, or side of block, so far as they shall be known to the petitioners, and designate the lots or lands owned by each such owner.

SECTION 2. At its next regular meeting after such petition shall have been so filed, the common council shall enter an order among its records requiring a sidewalk to be constructed along such street, part of street, or side of block, as prayed for in such petition. The common council shall in such order designate and determine the street, part of street or side of block along which such sidewalk shall be so constructed, and the time within which the owner or owners of the lots or the lands along such street, part of street, or side of block shall construct the same, and shall further declare therein that in case the owner or owners of any such lot or lots, or of any such lands, shall fail to so construct such sidewalk along the lot or lots, or part of lot or lots, or along the lands so owned by him or them, within the time limited in said order, the city will construct such part thereof as such owner or owners have so failed to construct, and charge the cost thereof to the lot or lots, or part of lot or lots, or to the lands along which the city shall have so constructed such sidewalks. Order for sidewalk.

SECTION 3. Within three days after said order shall have been entered as aforesaid, the marshal of said city shall serve the same upon all the owners of the lots or the lands, on the street or part of street, or side of block, along which such sidewalk is to be constructed, personally or by leaving a true copy thereof at the usual place of abode of such owners in said city. In case any owner or owners of any such lot or lots, or part of lot or lots, or of such lands, shall not reside in said city, or his or their name or names shall be unknown to the marshal, then such order shall be served on such non-resident or unknown owner or owners, by publishing the same in some newspaper published in said city, at least once, and at least fifteen days before the expiration of the time limited in said order for the construction of such sidewalks. As soon as the marshal shall have completed the service of said order as herein provided, he shall make and file with the city clerk his return of service, in which he shall state the time, place and manner of service thereof, and in case the said order shall have been published, as hereinbefore provided, he shall attach to his return, and file therewith the affidavit of the publication thereof, in the usual form, subscribed and sworn to by the printer or publisher of the newspaper in which such order shall have been so published. Duty of marshal in premises.

SECTION 4. At any time after said order shall have Owner may construct sidewalk

been so entered by the common council as hereinbefore provided, and within the time therein limited therefor, the owner or owners of the lots or lands on the street, part of street or side of block along which such sidewalk is to be constructed may, at their own expense and in the manner, and of the width and material designated in such order, construct such sidewalk along the said lot or lots, or part of lot or lots or along the said lands, owned by them respectively.

Report of street commissioner.

SECTION 5. Within three days after the expiration of the time limited in such order for constructing such sidewalk, the street commissioner of said city shall examine the street, part of street or side of block, along which such sidewalk shall have been ordered to be so constructed, and within said three days shall make and file with the city clerk a report in writing signed by him, as to the construction of the same. He shall state in such report what part of said sidewalk, if any, has been, and what part, if any, has not been, constructed in conformity with such order, and shall describe the lots or lands, if any, along which the sidewalk has been so constructed, as well as the lots or lands, if any, along which it has not been so constructed.

When city may construct sidewalk.

SECTION 6. If it shall appear by such report of the street commissioner that any part of such sidewalk has not been constructed in conformity with the order aforesaid, the common council shall, at its next regular or special meeting after such report shall have been made and filed, direct the street commissioner to proceed at once to construct, in conformity with said order, such part of said sidewalk as said report shows has not been so constructed, and the said street commissioner shall thereupon proceed at once so to construct such part of such sidewalk.

Statement by street commissioner.

SECTION 7. Immediately upon completing his work, the street commissioner shall make and file with the city clerk a statement in writing, subscribed and sworn to by him, in which he shall state the total expenses actually incurred by him in so constructing that part of said sidewalk so constructed by him; and also the actual expense incurred by him in so constructing the part of such sidewalk in front of each lot, or part of lot, or land, along which it appears by his report, the owner or owners of such lot or part of lot, or land, had failed as aforesaid to construct such sidewalk.

Levy of special tax.

SECTION 8. At its next regular or special meeting after such statement shall have been so filed, the com-

mon council shall by resolution levy and assess upon each lot or part of lot, or lands, in front of which any sidewalk or part of sidewalk shall have been so constructed by said street commissioner, as appears by his said statement, a special tax sufficient to pay the actual expense incurred in so constructing the same as appears by said statement; and said resolution shall describe each of such lots, or parts of lots or lands, state the names of the owners thereof, when known, and give the amount of such tax so levied and assessed upon each such lot, or parts of lots or lands.

List for special tax.

SECTION 9. On the third Monday in November of each year the clerk of said city shall make and deliver to the town clerk of the town in which said city shall be situated a copy, under his hand and the corporate seal of said city, of every resolution levying any such special tax which shall have been passed by the common council during the year immediately preceding that day.

Collection of special tax.

SECTION 10. The town clerk of said town shall insert in a separate column in the tax list of his town next thereafter to be delivered to the town treasurer of his town for collection, and opposite to the description therein of each of said lots or parts of lots, or lands, the amount of such special tax properly chargeable thereto as appears by the copy of such resolution or resolutions so delivered to him as aforesaid; and the said special taxes shall be collected or returned delinquent in the same manner as town, county and state taxes are collected or returned delinquent by law; and the lots, or parts of lots or lands upon which such special taxes may be so levied and assessed may be sold and conveyed for the nonpayment thereof, in the same manner and with the same effect as if said special tax had been a general town, county or state tax.

Repair of sidewalks.

SECTION 11. Whenever it shall be necessary in the opinion of the common council to repair or reconstruct any sidewalk, the common council may cause such sidewalk to be repaired or reconstructed at the expense of the owners of the lots or lands abutting on such sidewalk, in the same manner as it is authorized to construct new sidewalks, except that no petition of the lot or land owners, or of any one else, shall be necessary to authorize the council to cause such sidewalk to be repaired or reconstructed: *provided, however*, that when any sidewalk shall be in an immediately dangerous condition, and the cost of repairing the same opposite any one lot or piece of land shall not exceed one dol-

lar, the street commissioner shall forthwith notify the owner of the lot or land abutting on such dangerous sidewalk, if a resident of said city, to repair such sidewalk, and if such owner shall not at once proceed to repair the same, the street commissioner shall at once repair such dangerous sidewalk, and the the costs of such repairs shall be levied upon and collected from the lots or lands abutting on such dangerous sidewalk, in the same manner as the cost of constructing new walks are levied and collected from the lots and lands abutting thereon.

CHAPTER XIII.

JUDICIAL.

Police justice.

SECTION 1. There is hereby created and established a municipal court in the said city of Jefferson, to be styled the police court of the city of Jefferson. The person elected police justice of or in said city, shall hold and preside over said police court, and he shall have power to administer oaths and affirmations, and to take and certify acknowledgments and proofs of the execution of deeds and other instruments in writing relating to real estate, or other matters required by law to be acknowledged or recorded, or both. As a judicial officer and court, the said police court and justice thereof, shall have and possess, within the corporate limits of said city, all the authority, jurisdiction, powers and rights of justices and justices' courts of this state, and the powers of said police justice, within said corporate limits, shall be co-equal and co-ordinate over and of all civil and criminal actions under the laws of the state, with that of the several justices of the peace of Jefferson county, and he shall have exclusive jurisdiction of all actions and causes for the violation of any ordinance, by-law, rule, resolution or regulation of said city under this act, and he shall receive the same fees as a justice of the peace under the laws of this state receives for his services, but the said city shall not be liable for his fees, except such as shall accrue in prosecutions or actions brought for the violation of the provisions of this act, or of the ordinances, by-laws, rules, or regulations of said city.

Appeals, etc.

SECTION 2. Appeals and writs of *certiorari* may be taken from the decisions or judgments of the said police justice, in the same manner and with the same effect and force as from judgments of justices of the peace under the laws of this state. In all actions and prose-

cutions in said police court, except as hereinafter provided, the practice and proceedings shall conform, so far as may be, to the practice and proceedings in like cases in justices' courts under the laws of this state: *provided, however*, that no action or prosecution brought to recover a fine or penalty for the violation of any ordinance, by-law, rule, resolution or regulation of said city, shall be removed from said police justice.

Terms.

SECTION 3. The first police justice under the provisions of this act shall be elected on the second Tuesday of April, 1878, and shall hold his office for three years, and until his successor shall be elected and qualified. In case of the sickness, absence or other temporary inability of the police justice to discharge the duties of his office, the mayor of said city may, in writing, designate any justice of the peace in the town of Jefferson to act as such police justice, and the justice so designated shall, while such inability continues, possess all the powers, rights and authority of the police justice, and while so acting as such police justice, shall be styled acting police justice of the city of Jefferson.

Vacancy.

SECTION 4. In case a vacancy shall occur in the office of police justice, the common council shall call a special election to fill such vacancy; and if any person who shall have been elected police justice and shall have qualified as such, shall fail to properly, efficiently and thoroughly discharge the duties of his office, as provided in this act, the common council of said city, by ordinance or resolution, may remove such person from the office of police justice, and declare the office vacant, and call a special election to fill such vacancy so caused; and such police justice so removed shall, within five days after his removal by the common council, deliver to the clerk of said city all books, dockets, records and papers in his possession or under his control, pertaining to said office of police justice, under a penalty of one hundred dollars in case of neglect or refusal so to deliver the same: *provided, however*, that no such removal shall take place unless the mayor and at least four aldermen shall concur, and vote in the affirmative upon the passage of such ordinance or resolution of removal. When any books, dockets, records or papers are delivered to the clerk as herein specified, he shall safely keep the same until they are demanded of him by the successor, duly elected and qualified, of the person removed, and then he shall deliver such books, dockets, records and papers to such successor.

Prosecutions in name of state.

SECTION 5. All offenses for which fines and penal-

ties may be incurred for violating any of the provisions of this act, or of any ordinance, by-law, rule, resolution or regulation of said city, shall be treated as inferior crimes and misdemeanors, and shall be prosecuted in the name of the state of Wisconsin. The first process in all suits or prosecutions for such offenses shall be a warrant. Before any such warrant shall issue, a complaint under oath shall be filed with the police justice, which complaint shall be substantially in the following form, to-wit:

Form of complaint.

THE STATE OF WISCONSIN, } ss.
County of Jefferson, city of Jefferson. }
The State of Wisconsin, }
against } In police court.
X. Y. (name of accused). }

A. B., being duly sworn, says that on said —— day of ——, 187—, in said city, the said X. Y. (name of accused or alias), did violate section —— of chapter —— of the charter of said city, or section —— of ordinance No. — of said city, entitled "an ordinance," (describing it by its title), or section —— of a by-law, resolution or regulation of said city (describing it by its title) against the peace and dignity of the state of Wisconsin.

Subscribed and sworn to before me, this ——day of ——, A. D. 187—.

—— ——.

Designation of law violated.

SECTION 6. It shall be sufficient to give the number and chapter of this act, or the section of the ordinance, by-law, resolution or regulation violated in the foregoing forms of complaint, and said complaint may be sworn to before any officer authorized to administer oaths. Upon the filing of such complaint with the police justice, he shall issue a warrant substantially in the following form:

Form of warrant.

Jefferson county—City of Jefferson—ss:

The state of Wisconsin to the sheriff or any constable of said county:

WHEREAS, A. B. has this day complained to me in writing, on oath, that on the —— 187—, at said city, X. Y. (name of accused) did violate (state offense as stated in complaint) against the peace and dignity of the state of Wisconsin; now, therefore, you are commanded forthwith to apprehend the said X. Y. and bring him before me to be dealt with according to law.

Given under my hand this —— day of ——, A. D. 187—.

—— ——, Police Justice.

SECTION 7. Upon the return of the warrant with the accused, the police justice shall proceed summarily to try the cause, unless it be adjourned by consent or for cause. If the case be adjourned, the accused shall recognize, with sufficient sureties, and in such sum as the court may order and approve, for his appearance, on the adjourned day, or such defendant may be left in charge of the officer or committed to the common jail of the county of Jefferson. The complaint made as aforesaid shall be the only complaint required, and the plea of "not guilty" shall put in issue all subject matter embraced in the action. Subsequent proceedings.

SECTION 8. The complaint and warrant, or either of them, may be amended, and actions adjourned in the same manner and upon the same conditions and restrictions as complaints and warrants are amended, and actions are adjourned in criminal actions in justice's court under the general laws of this state, and in all cases either party shall enjoy the right of trial by jury, as in justice's court, unless the same is duly waived, and a failure to demand a jury shall, in all cases, be deemed a waiver; except that no trial by jury shall be allowed in any action or prosecution brought for a violation of any ordinance, by-law, rule, regulation or resolution of said city. In purely civil actions adjournments may be had upon the same conditions and subject to the same restrictions as adjournments in like actions are had in justice's courts under the general laws of this state. Complaints, etc., may be amended.

SECTION 9. In all actions and prosecutions brought to recover a fine or penalty for violating any of the provisions of this act, or of any ordinance, by-law, resolution or regulation of said city, the finding of the court shall be "guilty" or "not guilty." If "not guilty," the defendant shall be discharged by order of the court, and the police justice shall enter a judgment for costs against the city, but such costs shall be presented, audited, allowed and paid in the same manner as is provided by this act for the payment of other claims against said city. If the finding of the court shall be "guilty," the court shall render judgment thereon against the defendant for the amount of the fines, penalty or forfeiture prescribed in this act, or in the ordinance, by-law, regulation or resolution, for the violation of which the defendant shall have been found guilty, or for such proportion thereof, not less than the minimum so prescribed, as in his discretion will best promote good order and the public good in said city, Mode of trial.

and for costs of suit, and in such case shall also adjudge that in default of payment of any such judgment, the defendant be imprisoned in the county jail of Jefferson county for such time, not exceeding forty days, as shall be prescribed in this act, or in the ordinance, by-law, regulation or resolution for the violation of which the defendant shall have been found guilty.

Form of judgment.

SECTION 10. In case the finding of the court be "guilty," as provided in the preceding section, the judgment of the court shall be substantially in the following form:

"The court having found the defendant X. Y. guilty, as charged in the complaint, it is now here adjudged by the court, that the said defendant X. Y. pay a fine of —— dollars, and the costs of this suit, taxed at —— dollars and —— cents; in all, the sum of —— dollars and —— cents, fine and costs, and that, in default of payment of the said sum, —— dollars and —— cents, fine and costs, the said defendant X. Y. be imprisoned in the county jail of Jefferson county for the term of —— days from the —— day of ——, 187—, (inserting here the date of the rendition of the judgment)."

Commitment.

SECTION 11. Upon the rendition of such judgment against the defendant, and upon the non-payment thereof, the police justice shall forthwith issue a commitment which shall be substantially in the following form:

Form of commitment.

JEFFERSON COUNTY, }
City of Jefferson, } ss.

The state of Wisconsin to the marshal of said city, and to the keeper of the common jail of said county:

Whereas, at the police court of said city, held at my office in said city, for the trial of X. Y. for the offense hereinafter stated, the said X. Y. was convicted of having on the —— day of —— 187—, at the said city of Jefferson, in said county of Jefferson, violated (here state the offense as stated in the warrant), and upon conviction the said court did adjudge that said X. Y. should pay a fine of —— dollars and the costs of suit, taxed at —— dollars and —— cents; in all, the sum of —— dollars and —— cents, fine and costs, and that in default of payment of the said sum of —— dollars and —— cents, fine and costs, the said X. Y. should be imprisoned in common jail of said Jefferson county for the term of —— days, from the —— day of ——, A. D. 187—; and whereas, there has been and is default in the payment of the said sum of —— dollars

and —— cents, fine and costs: now therefore, you, the said marshal, are commanded forthwith to convey and deliver the said X. Y. to the said keeper; and you, the said keeper, are hereby commanded to receive the said X. Y. into your custody in said jail, and him there safely keep until the expiration of said —— days, or until he shall be thence discharged by due course of law.

Given under my hand, this —— day of ——, A. D. 18—.

———— ————, Police Justice.

Appeal.

SECTION 12. Any person convicted of a violation of any of the provisions of this act, or of any ordinance, by-law, regulation or resolution of said city may appeal from the judgment of conviction to the circuit court of Jefferson county: *provided*, such person shall within twenty-four hours after the rendition of such judgment enter into a recognizance to said city in the sum of two hundred and fifty dollars, with one or more sufficient sureties, to be approved by the police justice, conditioned to appear before said circuit court at the next regular term, and from term to term thereafter, and to abide the judgment of the said circuit court therein; and the police justice shall make a special return of the proceedings had before him, and shall cause the complaint, warrant and return, together with the recognizance or recognizances, to be filed in the office of the clerk of said circuit court on or before the first day of the term thereof next to be holden in said county, and the complainant and witnesses may also be required to enter into recognizances, with or without sureties, in the discretion of the police court, to appear at said circuit court at the time last aforesaid, and to abide the order of the court therein.

Appeals—how conducted.

SECTION 13. All appeals taken under the provisions of this act shall be conducted in the circuit court in the same manner as appeals from justices' courts under the general laws of this state, and the judgment of such court shall be carried into execution as hereinbefore provided, as near as may be.

Service of process.

SECTION 14. Whenever any suit or action shall be commenced against said city, the service in such case shall be made by serving the summons or other process on the mayor, and it shall be the duty of the mayor forthwith to inform the common council thereof.

Competency of citizens.

SECTION 15. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant or resident of said city, in any action or proceeding in which said city is a party or interested.

Quarterly report.

SECTION 16. The police justice shall, on the Monday next preceding the annual election in each year, and quarterly thereafter, file with the city clerk a report showing the amount of fines and penalties received by him during the quarter covered by such report, and the amount of such fines and penalties paid by him to the treasurer of said city, and the dates of payment of the same, and with such report he shall file the receipts showing such payment received by him from the treasurer during the quarter covered by such report. And the clerk shall lay such report before the common council at the next regular meeting after the same shall have been filed; and all fines and penalties, by whomsoever received or collected, shall be paid to the city treasurer within ten days after the same shall have been collected or received.

CHAPTER XIV.

MISCELLANEOUS PROVISIONS.

Not to apply.

SECTION 1. No general law contravening the provisions of this act shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law.

Work to be done by contract.

SECTION 2. All work for the said city exceeding fifty dollars shall be let by contract to the lowest responsible bidder, and notice shall be given of the time and place of letting such contract, and every contract so made shall be in writing and clearly state the conditions thereof; *provided*, that the common council shall have power to reject all unreasonable bids.

Town and city treasurers.

SECTION 3. The town treasurer shall pay over to the city treasurer all sums collected by him for said city, within twenty days after he shall have collected the same. The city treasurer shall have one per centum of all moneys received, and one per cent. of all moneys paid out by him on orders.

Election precinct.

SECTION 4. The said city shall constitute an election precinct only and solely for the purposes set forth in this act, and at all elections other than those provided for by this act, the inhabitants of said city shall be entitled to vote at the election poll in the town of Jefferson, the same as the inhabitants of the village of Jefferson have heretofore been entitled to vote at such poll, and the said city shall continue and be considered a part of the town of Jefferson, except as otherwise provided in this act, to the same extent as the village of Jefferson has heretofore constituted a part of said town.

SECTION 5. The persons authorized by law to act as inspectors of election in the first election precinct in the town of Jefferson shall constitute the board of registry for said city and election precinct, and shall cause to be made such registration of the voters of said city and precinct as shall or may be required by law. Inspectors of election.

SECTION 6. The plats of the village of Jefferson, and of the additions thereto, are hereby adopted as the plats of the city of Jefferson and of the inhabitants thereto, and the real estate included in said plats may hereafter be described by giving the number of the lots and blocks as they appear on said plats, or by metes and bounds, and by describing the plats as "the original plat of the village, now city, of Jefferson," or "the plat of Fifield's addition to the village, now city of Jefferson," and in like manner with the plats of the other additions, or in any other manner that shall designate said real estate with reasonable certainty. Surveys.

SECTION 7. If any officer or other person fails to do or to perform any of the duties which this act or any ordinance, by-law, rule, regulation or resolution requires him to do at a time specified, the common council may designate another time when such officer or person may do or perform such duties, and when done or performed at the time so designated by the common council, it shall be taken, held and considered the same as if such duties had been done or performed at the time specified in this act, or in the ordinance, by-law, rule, regulation or resolution of said city. Failure not to invalidate.

SECTION 8. The city of Jefferson shall succeed to all the property, rights of property, and to all the rights, privileges and franchises, owned or enjoyed by the village of Jefferson, at the time this act takes effect, and shall be subject to and liable to pay all the debts and liabilities of said village existing at said time, in the same manner and to the same extent as the said village would continue to be, had not this act been passed. Power of succession.

SECTION 9. All acts and parts of acts heretofore passed for the incorporation of the village of Jefferson, and all acts amendatory thereof, not necessary to carry out any of the provisions of this act, and all acts inconsistent with this act, are hereby repealed. Repealed.

SECTION 10. This act shall be published in the Jefferson Banner, a newspaper published at Jefferson, Jefferson county, Wisconsin, and shall take effect from and after its passage and publication. Publication.

Approved March 19, 1878.

[No. 149, A.] [Published April 9, 1878.]

CHAPTER 264.

AN ACT to amend chapter sixty-four of the general laws of 1871, entitled "An act to authorize town supervisors to construct drains in certain cases."

The people of the state of Wisconsin represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section one of chapter sixty-four of the general laws of 1871, entitled "An act to authorize town supervisors to construct drains in certain cases," is hereby amended to read as follows: When any six or more freeholders, residing in any town in this state in which any marsh, swamp or lands overflowed by water shall be located, shall wish to have a ditch or drain laid out for the purpose of draining any such marsh, swamp or overflowed lands, or for the purpose of straightening or enlarging any water-course within their town, one or more of whom shall be the owner or owners of a portion of the lands through which said ditch is proposed to be laid out, they may make application to the supervisors of the town in which they reside, and in which such lands or water-course are located, for that purpose, which application shall be in writing, and shall describe the lands through which such proposed ditch, drain or enlargement is to pass, together with the route of the same, as nearly as is practicable, and the said supervisors shall proceed to lay out and establish such ditch or drain, or to deepen, widen, or in any form enlarge any water-course for the purpose of draining the lands embraced in such application, if, in their judgment, such ditch, drain or enlargement is demanded by, or will conduce to the public health or welfare.

Application for laying out drain

Amended.

Duties of supervisors.

SECTION 2. Section two of said chapter sixty-four is hereby amended so as to read as follows: Whenever application shall be made to supervisors of any town within this state, as provided in section one of this act, for the purpose of having any ditch, drain or enlargement of a water-course laid out and established, as contemplated in section one of this act, the said supervisors shall make out a notice, in which said notice they shall state the time when and the place where they will meet to examine and decide upon such application; every such notice shall specify, as nearly as practicable, the route of the proposed ditch, drain or enenlargement of a water-course, and the several tracts or

parcels of land through which the same may or will pass, and the supervisors shall serve or cause to be served upon each of the resident owners of the lands through which the proposed ditch, drain or enlargement of a water-course may pass, a copy of such notice, which notice shall be served at least five days before the time appointed for such meeting, and shall be served personally or by copy left at the usual place of abode of the resident owners of such lands, and shall also post or cause to be posted in three public places within their town copies of such notice at least ten days prior to the time appointed for such meeting.

SECTION 3. Section four of said chapter sixty-four is hereby amended so as to read as follows: Whenever the supervisors shall decide to lay out and establish any ditch, drain, or enlargement of a water-course, under the provisions of this act, they shall cause an accurate survey thereof to be made; shall establish the route through which such ditch, drain, or enlargement of a water-course shall pass, together with the width thereof at the top and bottom, and the depth thereof at different points along the line on which it is to be constructed, and shall incorporate the same in an order to be signed by said supervisors, and shall cause such order to be filed and recorded in the office of the town clerk of their town, and shall also file with such order a map or plan of such ditch, drain, or enlargement of a water course, showing the line or the route of the same, with the courses and distances and the sections of land through which it will pass, together with the sections into which they may have, for the purpose of construction divided such ditch, drain, or water-course, with specifications setting forth or showing the amount and character of the work required in the construction of each section separately, which map or plan, and order laying out and establishing the same shall be filed in the office of the town clerk within twenty days after the time fixed by them for deciding upon the application for laying out and establishing such ditch, drain or water-course, and in case said supervisors shall decide against such application so made, as provided in section one of this act, they, the said supervisors, shall, within twenty days after the day of the hearing upon such application, file in the office of the town clerk of their town, the said application, and a copy of the notice required by section two, together with the proofs of the service of such notice and the posting thereof, and also their decision in writing; and

Amended.

Survey.

Appeals, how

taken and decided.

any freeholder resident of the town feeling himself aggrieved by the determination of the supervisors, either in laying out and establishing any ditch, drain or enlargement of a water-course, or in refusing to lay out and establish such ditch, drain or enlargement may, at any time within fifteen days after the filing of such order or determination, file in the office of the town clerk of the town, a notice of an appeal from the decision of the supervisors, which notice shall contain a description of the lands through which the proposed ditch, drain or enlargement of a water-course is to pass, as shown by the application in the case, and also the proceedings and determination or judgment of the supervisors thereon, and whether the appeal is taken for the purpose of reversing entirely the determination of the supervisors in the matter, or only to reverse a part thereof; and in the latter case, shall state what part, and also a notice that he, or they will, on a certain day and hour of such day, to be named in such notice, which day shall not be less than six nor more than ten days after the date of the filing of such notice in the office of the town clerk, apply to a justice of the peace within the county, naming such justice, for the appointment of commissioners to hear and determine such appeal, and on presentation of such notice by the appellant, his, her or their agent or attorney, to town clerk, he shall immediately file the same with the papers in the case in his office, and shall deliver to the person so presenting such notice of an appeal a certified copy of the same, which certified copy shall be served personally on at least one of the supervisors of the town, at least five days before the day named therein for the appointment of commissioners. And upon the presentation by the appellant, his, her or their agent or attorney, of said certified copy of the notice of appeal to the justice of the peace therein named, upon the day and hour set forth in such notice, together with proof of service of such copy on at least one of the supervisors as herein required, and filing with said justice a bond executed by the appellant to the supervisors of the town, with sufficient sureties, to be approved by such justice, conditioned to pay all costs arising from such appeal, in case the determination or judgment of the supervisors in laying out and establishing, or in refusing to lay out and establish such ditch, drain or enlargement of a water-course (as the case may be), shall not be reversed; the said justice shall thereupon enter the matter in his docket, and shall proceed

to make a list of fifteen disinterested freeholders, residents of the county, not of kin to the resident owners of any of the lands embraced in the notice of appeal, or to the appellant, and from said list so made each party may strike off the names of five persons; and in case no one of the supervisors of the town are present, then the justice shall strike from such list the names for such town, and the justice shall thereupon issue a summons, directed to the sheriff or any constable of the county, directing him to summon the five persons whose names were not stricken from such list, to meet at a time and place to be specified in said summons, to serve as commissioners to hear and determine the matter embraced in such appeal. And the sheriff or any constable to whom such summons shall be delivered shall execute the same by summoning the persons named therein, in the same manner, and with like authority as upon a venire issued in cases pending before justices of the peace, and shall in like manner make return thereof. The persons summoned as commissioners as hereinbefore provided, shall meet at the time and place designated in the summons, and the justice issuing the same shall deliver to such commissioners the certified copy of the notice of appeal on file in his office in the case. The commissioners shall be duly sworn to justly and impartially discharge their duties as such commissioners, and shall proceed to view and examine the lands described in the notice of appeal, and the route of the proposed ditch, drain or enlargement of a water-course, and the determination or judgment of the supervisors in laying out and establishing, or in refusing to lay out and establish such ditch, drain or enlargement of a water-couse (as the case may be), and shall hear any reasons which may be offered for and against the determination or judgment of the supervisors in the matter, and may administer oaths, and examine witnesses upon any point relating to the subject matter submitted to them, and may continue the hearing of the cause from day to day if the circumstances of the case, in their judgment, require such continuance. The decision of said commissioners shall be reduced to writing and signed by them, or a majority of them, and shall be by them returned to the justice of the peace issuing the summons in the case, together with the certified copy of the notice of appeal to them delivered, as herein provided, who shall enter the decision in his docket, and file such decision in the office of the town clerk of the town in which the

lands described in the notice of appeal shall be located. And if the determination or judgment of the supervisors shall be affirmed by the decision of the commissioners, the party appealing from such determination or judgment shall pay all the costs and expenses of the proceedings had in the matter; but if such determination or judgment shall be reversed, then and in that case, the costs and expenses shall be paid by the town. Each of the commissioners shall be entitled to the sum of one dollar and fifty cents a day for their services, and the justice and constable shall be entitled to such fees as are allowed by law for like services in other cases. When an appeal shall have been made from the determination or judgment of the supervisors, refusing to lay out and establish a ditch, drain, or enlargement of a water-course, and such determination or judgment shall, upon an appeal, be reversed by the commissioners, the supervisors shall immediately proceed to lay out and establish such ditch, drain, or enlargement of a water-course, in accordance with the provisions of this act, and of chapter sixty-four, to which this is amendatory, the same as if they had themselves originally determined to lay out and establish such ditch, drain or enlargement.

Repealed.

SECTION 4. So much of chapter sixty-four of the general laws of 1871, and the acts amendatory thereof, as conflicts with the provisions of this act, are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1878.

[No. 473, A.] [Published April 2, 1878.]

CHAPTER 265.

AN ACT to authorize the commissioners of school and university lands to loan a portion of the trust funds of the state to the town of Moscow, county of Iowa, in this state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Loan authorized.

SECTION 1. The commissioners of school and university lands are hereby authorized to loan a portion of the trust funds of the state, not to exceed eight thous-

and (8,000) dollars to the town of Moscow, county of Iowa, in this state, and the said town is authorized to borrow a sum, not to exceed the amount above named, of the said commissioners and to issue to said commissioners certificates of indebtedness so contracted; said indebtedness shall bear interest at the rate of seven per cent. per annum, and the said interest shall be paid annually together with not less than one-tenth (1-10) of the principal sum, till the whole is paid. When payable.

SECTION 2. The secretary of state shall, each year, until the whole loan be repaid, furnish to the county clerk of said county, the amount which will be due from such town at the same time that he furnishes to that officer a statement of the state tax. It shall be the duty of the county clerk on receiving such statement to include the amount due from such town in his apportionment of the state taxes to the town, but it shall be carried out in a separate column, and the town clerk of said town shall charge such amount on his tax roll and the tax shall be collected by the town treasurer and paid with the state tax to the county treasurer who shall pay it over to the state treasurer with the state taxes. Secretary of state to apportion with state tax, the amount due.

SECTION 3. Before contracting any debt, and before any of said funds shall be delivered to said town in exchange for said certificates of indebtedness, the supervisors of said town of Moscow shall file with the secretary of state an acceptance of the provisions of this act, and of the terms and limitations herein provided for. Acceptance.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1878.

[No. 316, A.] [Published March 30, 1878.]

CHAPTER 266.

AN ACT to appropriate a sum of money therein named to the Eastern Monroe County Agricultural Society.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1 There is hereby appropriated out of any money in the general fund of the state treasury not otherwise appropriated, to the Eastern Monroe Appropriation.

son who shall travel from place to place in this state on foot or by horse and wagon, or team, selling or offering to sell at wholesale to dealers exclusively, any goods, wares, merchandise, notions or other articles of trade, whatsoever, by sample or otherwise, shall hereafter be required to take out, or pay for any license for selling at wholesale by virtue of any law of this state relating to hawkers and peddlers; train boys and fish peddlers, and citizens or residents of the state who are incapacitated for ordinary business or labor on account of being blind, deaf and dumb, maimed or crippled, are also hereby excepted from the provisions of the laws of this state relating to hawkers and peddlers.

Repealed.

SECTION 2. All acts and parts of acts conflicting with the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1878.

[No. 399, A.] [Published April 2, 1878.]

CHAPTER 270.

AN ACT to constitute a certain abstract of title to the real estate of the county of Outagamie, a part of the official records of the office of the register of deeds of the said county, and to provide for keeping up and continuing said abstract, and to provide for fees of register.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Abstract constituted part of record.

SECTION 1. That certain abstract of title to the real estate of the county of Outagamie, according to Walton's system, recently compiled for, and purchased by the county board of supervisors of said county, is hereby constituted a part of the official records of the office of the register of deeds of said county; and the said register of deeds shall have the custody of, and shall safely keep and preserve the same, and the same shall be open to the public for reference at all times during business hours, but no person shall be permitted to take any memorandum or abstract therefrom, except only of lands and real estate owned by any such person, or which he is negotiating to purchase.

Register of deeds to continue abstract.

SECTION 2. It is hereby made the duty of said register of deeds to keep up and continue the said abstract of title by properly entering therein every deed, mort-

gage, or other instrument in writing affecting the title to real estate in the said county, which shall be filed or recorded in his office, and is not already entered therein; and the said register of deeds shall receive and be entitled to the sum of five cents for each and every deed, mortgage or other instrument so entered, to be paid by said county.

Register to furnish abstract of title.

SECTION 3. The register of deeds of said county shall at all times, on demand of any person and on the payment of the fees hereinafter provided for, make and deliver to any such person an abstract of the title of any land in Outagamie county, for which he shall demand and receive, for one or two entries, fifty cents, and for three or more entries, twenty cents each, one-half of which fees shall be retained by the said register for his own use, and the other half thereof shall be paid by him into the treasury of said county, as hereinafter provided, but the said register of deeds shall never take, receive or charge any fees for any information in reference to the title of any land in said county of Outagamie derived from said abstract, except by written abstract, as hereinbefore provided for.

Blank forms.

SECTION 4. The said register of deeds shall provide himself with a book at the expense of the said county, which book shall contain blank forms of certificates to be used and which shall be used by him in certifying to all transcripts from said abstract, and shall also contain stub forms, corresponding in number to said certificates, wherein he shall enter the number of the certificate given or used, the name or names of the person or persons receiving the certified transcript, the date when made, and the amount of fees received for, and the number of entries contained in, the transcript certified by him. The said stubs containing such entries shall be safely kept and preserved by the said register of deeds, and shall be subject to inspection at all reasonable hours, by any member of the county board of supervisors of said county.

Quarterly statement.

SECTION 5. The said register of deeds shall quarter yearly, on the first days of January, April, July and October, in every year, or oftener, if required by the county board of supervisors of the said county, make a statement in writing, under oath, and file the same with the county clerk of the said county, showing correctly the number and character of all instruments by him entered in said abstract, pursuant to this act, during the quarter year for which said statement is made, and also showing for said quarter year the num-

ber of transcripts from said abstract certified by him, to whom and when given, the amount of fees received for, and the number of entries contained in such transcripts; and upon filing such statement as aforesaid, the said register of deeds shall pay into the treasury of the said county, one-half of all fees by him received for transcripts from such abstract, and take the county treasurer's receipt therefor.

Additional regulations.

SECTION 6. The county board of supervisors of the said county may, at any time, make further and additional regulations as to the account to be kept by the said register of deeds of the fees by him received for transcripts from such abstract.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1878.

[No. 424, A.] [Published March 29, 1878.]

CHAPTER 271.

AN ACT to authorize Albert Wendorff to build and maintain a dam across Little Rib river, in the town of Stettin, in the county of Marathon.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Construction of dam authorized.

SECTION 1. Albert Wendorff, his heirs and assigns, are hereby authorized and empowered to erect, keep up and maintain a dam across Little Rib river, on the northwest quarter of section number eleven (11), township number twenty-nine (29) north, range number six (6) east, in the county of Marathon, for manufacturing purposes.

Dimensions of dam.

SECTION 2. Said dam may be of sufficient height to give a head of water not to exceed fourteen feet at the point where the dam is located: *provided*, nothing in this act shall be so construed as to authorize Albert Wendorff or his successors to flow any lands of the state or of any individual, other than the proprietors of said dam, to the injury of the owners thereof. The said Albert Wendorff, his successors, heirs or assigns, shall pay in full all damages accruing at any time in such manner, when damages shall be determined by due process of law: *provided, further*, that said Albert Wendorff, his successors, heirs and assigns, shall cause to be constructed and kept in repair suitable slides or

Liability of owners.

schutes for the free passage of logs or lumber over said dam.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 19, 1878.

[No. 258, A.] [Published April 4, 1878.]

CHAPTER 272.

AN ACT to authorize Henry Hewitt, Jr., and Eric McArthur, and their associates, to construct and maintain a dam across the south fork of Flambeau river.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Henry Hewitt, Jr., and E. McArthur, and their associates and their assigns, are hereby authorized and empowered to build, construct and maintain a dam across the south fork of the Flambeau river, in sections twenty-two and twenty-three, town forty, range three east, for the improvement of the said river. Said dam is to be of sufficient height to flow said stream and lakes, and secure a sufficient depth of water for the easy running of logs. Said stream to be cleared of all obstructions, and by the construction of side and rolling dams thereon, rendering said river easy for the running of logs, the same to be operated so as to render the driving of logs down and out of said stream practicable and unimpeded. Said improvements to extend from point above mentioned to the range line and as compensation for such improvements of driving through such dam and down and out of said river, and also for flooding the same, the said parties, their assigns, shall or may charge and collect the sum of three (3) cents per thousand feet, board measure, to be collected as toll on said logs, and said toll to be collected as provided by chapter two hundred and fifteen of the revised statutes, together with the several acts amendatory thereof.

Construction of dam authorized.

Dimensions of dam.

Tolls.

SECTION 2. The said parties shall also be empowered and authorized to improve said river.

Improvement of river.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1878.

[No. 37, A.] [Published March 28, 1878.]

CHAPTER 273.

AN ACT relating to steam ferries, and amendatory of section one, chapter twenty, of the revised statutes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section one of chapter twenty of the revised statutes is hereby amended by adding thereto these words: "also steam ferries on Chippewa river, where they may extend the time to five years."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1878.

[No. 463, A.] [Published April 9 1878.]

CHAPTER 274.

AN ACT to amend chapter twenty-eight of the private and local laws of 1858, and to change the name of The Norwegian Evangelical Lutheran Synod to "The Synod for the Norwegian Lutheran Church of America."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section one (1) of chapter twenty-eight (28) of the private and local laws of 1858, entitled "An act to incorporate "The Norwegian Evangelical Lutheran Synod of the state of Wisconsin," is hereby amended by striking out the words "The Norwegian Evangelical Lutheran Synod of this state," wherever it occurs in said section, and inserting in lieu thereof the words "The Synod for the Norwegian Evangelical Lutheran Church of America."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 19, 1878.

[No. 438, A.] [Published April 2, 1878.]

CHAPTER 275.

AN ACT granting to Richard R. Kempter and others the right to establish and maintain a ferry across the Mississippi river, from the village of Alma, in the county of Buffalo, state of Wisconsin, to the opposite shore in Wabasha county, Minnesota.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That Richard R. Kempter, G. Albertson, S. G. Fuller, Charles Schættle, Fred. Fisher, John A. Tester, Fred. Lane, William Briggaboos, Martin Polin and John Hinrichs, and their associates, heirs, executors, administrators and assigns, shall have the exclusive right and privilege for the period of ten years of keeping and maintaining a ferry across the waters of the Mississippi river at and from the village of Alma, in the county of Buffalo, state of Wisconsin, to Wabasha county, opposite, in the state of Minnesota. Chartered.

SECTION 2. That said parties and their associates or assigns shall, within eighteen months after the passage of this act, place and maintain, at the aforesaid place, such good and sufficient boat or boats as may be necessary to carry across said river all teams, horses, cattle and other property, and for the accommodation of foot passengers, and shall at all times give ready and prompt attendance on passengers or teams at least ten hours per day; one and a half hours before, and one and a half hours after the arrival of the trains at Kellogg station, in Minnesota, and on all occasions, and at all hours of the day or night, for foot passengers; but persons crossing the said ferry at night may be charged double the rates hereinafter prescribed. Boats.

SECTION 3. The said corporators may land their boats, passengers and property on any public highway which now does or may hereafter terminate within the points above specified, or on the lands of any person or persons owning the same; they having first secured the permission of such owners so to do. Landing.

SECTION 4. The said corporators, their associates or assigns, shall within one year after the passage of this act, file or cause to be filed with the village clerk of said village of Alma, a bond to the people of the state of Wisconsin, with two or more sureties, in the penal sum of one thousand dollars, conditioned that they will faithfully fulfill all the duties imposed upon them by Bond.

this act, and in case of their failure so to do, they shall forfeit all the benefits that might accrue to them from it.

Penalties.

SECTION 5. That for every neglect to keep a good and sufficient boat or boats, or failure to give prompt and due attendance upon all persons wishing to cross at the said ferry at the time or times aforesaid, the aforesaid corporators shall forfeit a sum not exceeding ten dollars, to be recovered by and for the use of said village, in a civil action before any court having competent jurisdiction; and shall be further liable in like action for all damages any person may sustain by reason of the neglect of the aforesaid corporators to fulfill any of the duties imposed upon them by this act, or of any one in their employ.

Rates of ferriage.

SECTION 6. The rates charged for crossing at said ferry shall not exceed the following, except to those crossing between the hours of seven o'clock P. M. and five o'clock A. M., when double rates may be charged, and in high water, when the ferry shall have to run to the high land on the Minnesota shore, one-half above the rates herein may be charged: For each foot passenger, the sum of ten cents; for each horse, mare or mule, with or without rider, the sum of forty cents; for each team drawn by two horses, two mules or two oxen, loaded or unloaded, with or without driver, the sum of seventy-five cents; for each single-horse carriage, wagon or sleigh, with or without passengers, sixty cents; for each additional horse, mare, mule or cow, the sum of fifteen cents; for each swine or sheep, the sum of five cents; all freights, merchandise, or other articles not in teams, at the rate of twenty-five cents per hundred weight, when the same, delivered by one person, shall not exceed two hundred pounds, and for any excess of two hundred pounds, at the rate of ten cents per hundred weight, and fifty cents per thousand feet of lumber.

Penalty for excessive rates.

SECTION 7. In case the said corporators, their heirs or assigns, or any ferryman or other person employed by them, shall take, exact or receive any greater or higher rate of ferriage for transporting persons, goods and chattels or other things whatsoever, than is allowed by this act, the said corporators, their heirs or assigns, shall be liable in the penal sum of twenty dollars for every such act, and which sum may be recovered before any justice of the peace of their state having by law jurisdiction over the same, by any party aggrieved making complaint of the same, one-half to go to the complainant and the balance to the county school fund.

SECTION 8. In case any other person or persons shall, after the establishment of the said ferry aforesaid, set up, or keep, or maintain any ferry, or shall carry any person, goods or chattels for hire or pay across the said Mississippi river, from any place on the east side or shore of the waters of said river, within the limits of the village of Alma, every such person shall, for each such offense, forfeit and pay the sum of twenty dollars, to be recovered before any court of competent jurisdiction, one-half to go to the complainant, and the balance to the county school fund. Exclusive privilege.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1878.

[No. 398, A.] [Published April 4, 1878.]

CHAPTER 276.

AN ACT to authorize and require the supervisors of the town of Hortonia, Outagamie county, and the supervisors of the town of Mukwa, Waupaca county, to adjust and equalize the amount of work and labor to be done by said towns on a town line road.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The supervisors of the town of Hortonia, Outagamie county, and the supervisors of the town of Mukwa, Waupaca county, are hereby authorized and required to meet together for the purpose of adjusting and equalizing the amount of labor and work to be done by each of said towns, in repairing and keeping in order that certain town road running along the town line between said towns, and of re-dividing and re-apportioning said road between the said towns, so as to equitably equalize the portion or portions thereof to be repaired and kept in order at the expense of each of the said towns. Joint meeting of town boards required.

SECTION 2. The said supervisors of said towns shall meet for the purpose aforesaid within three months after the passage of this act, at such time and place in either of said towns, and on such notice as shall be jointly agreed upon and designated in writing by the chairmen of said supervisors; but such chairmen failing to agree, then the said supervisors of said towns shall meet within the time aforesaid, at such time and In case of failure of town board to agree.

place in either of said towns, and on such notice, as shall be designated in writing by the chairman of the supervisors of the said town of Hortonia.

Duty of supervisors.

SECTION 3. At such meeting, the said supervisors of said towns, or a majority of them, shall proceed to adjust and equalize the amount of labor and work to be done by each town, in repairing and keeping in order the said town road, and to re-divide and re-apportion said road between the said towns so as to equitably equalize the portion or portions thereof to be repaired and kept in order at the expense of each town; and the determination arrived at shall be put or placed in the shape or form of a resolution and passed and adopted as such; which resolution shall thereafter be of binding force on said towns and each of them, and shall govern said towns respectively as to all matters therein and thereby determined, until changed, modified or abrogated, according to law, or by competent authority.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 19, 1878.

[No. 166, A.] [Published April 6, 1878.]

CHAPTER 277.

AN ACT relating to town insurance companies, and amendatory of chapter three hundred and forty-four of the laws of Wisconsin for 1876, entitled "An act to codify and consolidate all laws in relation to town insurance companies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section two of chapter three hundred and forty-four of the laws of Wisconsin for 1876 is hereby amended so as to read as follows: Section 2. Every company so formed shall choose of their number not less than five nor more than nine directors to manage the affairs of said company, who shall hold their office for one year and until others are elected; and such directors shall choose one of their number president, one secretary, and one treasurer: *provided*, that the directors may elect any member of the company as treasurer. Such treasurer shall, before entering upon the duties of his office, execute and file with the secretary of such company a bond conditioned for the faith-

Directors and their duties.

ful discharge of the duties of his office, with two or more good and sufficient sureties payable to such company, in the penal sum of not less than five thousand dollars, and in such further sum as such directors may order, such bond and sureties to be approved by the president and two or more of the directors of such company.

SECTION 2. Section six of chapter three hundred and forty-four of the laws of Wisconsin for 1876, is hereby amended so as to read as follows: Section 6. Every member of such company who may sustain loss or damage by fire or lightning shall immediately notify the president of such company, or in his absence the secretary thereof, who shall forthwith convene the directors of such company, whose duty it shall be, when so convened, to appoint a committee of not less than three nor more than five members of such company, except in case the loss is supposed to be less than three hundred dollars, then the president and secretary to appoint such committee to ascertain the amount of such loss or damage; and in case of the inability of the parties to agree upon the amount of such loss or damage, the claimant may appoint one disinterested person on his part and upon receiving notice from such claimant of such appointment, and the name of the person so appointed, the president of the company shall forthwith appoint a member of such company, and the two persons so appointed shall forthwith proceed to appoint a third person, who shall be disinterested, and the three persons so appointed shall constitute a committee of reference, who shall have full authority to examine witnesses and to determine all matters in dispute, who shall make its award in writing to the president, or in his absence to the secretary of such company, which award thereon shall be final. The said committee of reference shall each be allowed the sum of two dollars per day for each day's service so rendered, and the sum of five cents per mile necessarily traveled in the discharge of such duties, which shall be paid by the claimant, unless the award of said committee shall exceed the sum offered by the company in liquidation of such loss or damage, in which case said expense shall be paid by such company.

Amended.

Adjustment of losses.

SECTION 3. Section ten of chapter three hundred and forty-four of the laws of Wisconsin for 1876 is hereby amended so as to read as follows: Section 10. No company formed under this act shall insure any property out of the town or towns in which said com-

Amended.

Restrictions.

pany is located: *provided, however*, that any such company at its annual meeting may by a majority vote of the members present, authorize its directors to insure any farm property or detached dwelling-houses and contents in any adjoining town or towns, or in any incorporated city or village, which is located in or adjoining the towns in which such town insurance company is located: *provided*, such farm property or dwelling and contents shall be detached at least two hundred feet from any exposure; and all acts to which this section is amendatory shall be construed so as not to disorganize any town insurance company organized under the laws of Wisconsin for 1874, or previous; and all acts and proceedings of such town insurance companies are hereby legalized and declared valid to all intents and purposes.

Amended.

SECTION 4. Section twelve of chapter three hundred and forty-four of the laws of Wisconsin for 1876, is hereby amended so as to read as follows: Section 12. The directors of such company shall be chosen by ballot, at the annual meeting thereof, which shall be held on the first Tuesday after the first Monday of January in each year, unless otherwise ordered by a majority of the voters present at any such meeting, and every person shall have one vote for each two hundred dollars for which he or she may be insured, at such election, or in the transaction of any business of such company, but no person shall be allowed to vote by proxy, except women.

Election of directors.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1878.

[No. 333, A.] [Published March 28, 1878.]

CHAPTER 278.

AN ACT to amend chapter two hundred and sixty of the laws of Wisconsin for 1877, entitled "an act to revise, consolidate and amend the charter of the city of Stevens Point," approved May 17, 1858, and the several acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section fifteen of chapter four of said chapter two hundred and sixty of the laws of Wiscon-

sin for 1877, is hereby amended so as to read as follows: Section 15. The justices of the peace elected under this act shall have the same jurisdiction in civil and criminal cases and perform all duties of justices of the peace, as provided by the general laws of this state, and in addition thereto they shall have jurisdiction in all cases arising under the ordinances heretofore or hereafter passed by said city: *provided*, the mayor shall have power, if he shall deem it expedient, to designate and appoint one of said justices to try all cases and actions arising under this charter and the ordinances of this city, who thereupon shall have exclusive jurisdiction to try such actions, and shall hold his office at the station house, or such other place as shall be designated by the common council.

Jurisdiction of justices.

SECTION 2. Section five of chapter ten of said chapter two hundred and sixty of the laws of Wisconsin for 1877, is hereby amended by inserting in the ninth line of said section, after the word "city," the words "*provided*, if the court, upon the trial of the case, shall be satisfied that the complaint was willful, malicious or without probable cause, the justice shall certify to that effect in his docket, and thereupon shall render judgment against the person making such complaint for all costs that may have accrued in the action.

Malicious prosecution.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1878.

[No. 391, A.] [Published March 28, 1878.]

CHAPTER 279.

AN ACT to amend section four of chapter ninety-two of the laws of Wisconsin for 1874, entitled "An act to amend chapter one hundred and twenty-six, private laws of 1867, entitled 'An act to incorporate the Milwaukee and Brookfield Macadamized Turnpike Company.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section four of chapter ninety-two of the laws of Wisconsin for 1874, entitled "An act to amend chapter one hundred and twenty-six, private laws of 1867, entitled 'An act to incorporate the Milwaukee and Brookfield Macadamized Turnpike Company,'" is hereby amended by adding as follows:

Amended.

Time of completion limited.

"*Provided*, said company build and complete said road to a point one-half the distance betwen the east line of the town of Brookfield and Fox river, on or before the first day of January, A. D. 1880, otherwise this act shall be null and void, and of no force whatever.

SECTION 2. This act shall be in force and take effect from and after its passage and publication.

Approved March 19, 1878.

[No. 246, A.] [Published March 28, 1878.]

CHAPTER 280.

AN ACT to amend section one of chapter two hundred and seventy-three, general laws of 1862, entitled "An act to regulate the keeping and maintaining of slaughter houses in this state."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Unlawful to construct slaughter-houses on the banks of certain streams.

SECTION 1. Hereafter it shall be unlawful for any person or persons to erect, maintain or keep a slaughter house upon the bank or banks of any running stream of water, or to throw or deposit any of the carcasses or offal therefrom in or upon the banks of any such running stream which shall flow through any unincorporated village or organized town containing two hundred or more inhabitants, and any person or persons who shall throw or deposit in such running stream any dead animal, or any part thereof, shall be guilty of the like offense, and subject to the same penalties as named in section three of the act to which this is amendatory.

SECTION 2 This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1878.

[No. 75, A.] [Published April 9, 1878.]

CHAPTER 281.

AN ACT to provide for the improvement of Bruny river, for log driving purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Construction of dams authorized.

SECTION 1. For the purpose of improving that branch of the Chippewa river known as Bruny river, lying between the north line of section twenty-three (23) in township forty (40) north, of range four (4) west, and the south line of section thirty-four (34), in township thirty-eight (38) north of range six (6) west, so as to facilitate and insure the driving and floating of logs and timber down said stream, within the limits herein described, it is hereby provided and enacted that John B. McDonald and Hugh McFee, of Chippewa county, Wisconsin, their associates and assigns, are hereby authorized to erect side, rolling and flooding dams, and to clear and straighten the channels in and upon said portion of said stream, and to maintain and operate the same, together with such other works as may be necessary for the purposes herein named. In consideration for the improvements hereby authorized, and when the same shall be so constructed, including such works as have already been constructed by the said McDonald and McFee, or either of them, as to provide substantial and beneficial conveniences and facilities for readily and rapidly driving logs and timber out of said river over the portion of the same within the limits hereinbefore described, with reasonable certainty, having reasonable regard for the character of the river and the stage of water therein, at the proper seasons; and so long as the same shall be so maintained, as to accomplish such results, the said John B. McDonald and Hugh McFee, their associates and assigns, shall be entitled to receive and collect the following tolls, to wit: For and upon all logs and timber put in said river between the south line of section thirty-four (34) in township thirty-eight (38) north, range six (6), west, and the south line of section nine (9), in township thirty-eight (38) north, of range five (5) west, five cents per one thousand feet, board measure; and for and upon all logs and timber put in said river north of the south line of said section nine (9), in township thirty-eight (38) north, of range five (5) west, ten cents per thousand feet, board measure.

Tolls.

Lien.

SECTION 2. For any tolls or charges as herein provided, which shall remain due and unpaid, the said John B. McDonald and Hugh McFee, their associates and assigns, shall have a lien upon all such logs or timber upon which such tolls or charges, or any part thereof shall remain unpaid, and may enforce such lien in the same manner as other liens for services and labor are enforced under the laws of the state of Wisconsin relating to the subject of liens for labor and services upon logs and lumber in said state. For the purpose of enforcing the collection of said tolls, and in addition to the remedies provided by statute, or in aid thereof, the said John B. McDonald and Hugh McFee, their associates and assigns, may seize, hold and detain any logs upon which charges for toll have accrued, pursuant to the provisions of this chapter, at any place on said Bruny river, or the Chippewa river, until such tolls are paid, and if in so securing such logs they shall have necessarily incurred any expense, either for labor or boomage, such charges shall be added to the amount of the tolls, and they shall have a like lien, to be enforced in like manner, for such charges as they have for collection of the tolls upon any such logs or timber.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1878.

[No. 476, A.] [Published March 28, 1878.]

CHAPTER 282.

AN ACT for the preservation of cranberries.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Penalty.

SECTION 1. Any person who may be found picking or gathering cranberries on lands other than his own, in this state, before the tenth day of September, in any year, or who shall have in his possession berries so picked, shall be subject to a fine of twenty dollars for each offense so committed.

Prosecutions.

SECTION 2. All prosecutions under the provisions of this act shall be commenced within three months of the time of such offense, and the same shall be upon complaint, under oath, before any justice of the peace

in the county where the offense is committed; and all fines imposed and collected under this act shall be paid, one-half to the complainant, and one-half into the treasury of the county where such conviction takes place, to the credit of the school fund of said county.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1878.

[No. 404, A.] [Published April 4, 1878.]

CHAPTER 283.

AN ACT to authorize the construction of a dam across Quaderer creek, in Barron county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Construction of dam authorized

SECTION 1. John Quaderer, his associates, heirs and assigns, are hereby authorized to erect and maintain a dam across Quaderer creek, in the county of Barron, at a point on the southeast quarter of section number twenty-eight (28), in township number thirty-four (34) north, of range number twelve (12) west; and to erect and maintain mills, machinery, and necessary appendages to enable him to use the water of said creek for hydraulic and boomage purposes: *provided*, that said dam shall not raise the water to exceed ten feet.

Booms.

SECTION 2. The aforesaid person, his associates, heirs and assigns, shall build suitable slides in said dam for running logs and timber over the same, and shall keep the same in repair. The same shall be kept open at all times when the said creek is at a driving stage and there are logs and timber to run over said dam. The said John Quaderer, his associates, heirs and assigns, may erect and maintain booms for the sorting of logs passing into the mill pond hereby authorized to be created: *provided*, that said booms shall be so constructed so as to allow the free passage of logs and lumber.

Control of dam.

SECTION 3. The control of said dam and slides shall belong to the said John Quaderer, his associates, heirs and assigns, but subject, always, to the provisions of section two of this act.

Dam to be subject to provisions of chap. 56,

SECTION 4. The dam so erected shall be subject to all the provisions of chapter fifty-six (56) of the revised

revised statutes of 1858.

statutes of 1858, and to its amendments, so far as the said chapter and amendments may be applied, in like manner as if such provisions were incorporated in this act.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1878.

[No. 403, A.] [Published March 29, 1878.]

CHAPTER 284.

AN ACT to authorize the construction of a dam across Yellow river, in Barron county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Construction of dam authorized

SECTION 1. John Quaderer, his associates, heirs and assigns, are hereby authorized to erect and maintain a dam across Yellow river, in Barron county, at a point on the northeast quarter of the northwest quarter of section twenty-eight, in township thirty-four north, of range number twelve west; and to erect, maintain mills, machinery, and necessary appendages to enable him to use the water of said river for hydraulic and boomage purposes: *provided*, that said dam shall not raise the water to exceed eight feet.

Booms.

SECTION 2. The aforesaid person, his associates, heirs and assigns, shall build suitable slides in said dam for running logs and timber over the same, and shall keep the same in repair. The same shall be kept open at all times when the said river is at a driving stage and there are logs and timber to run over said dam. The said John Quaderer, his associates, heirs and assigns, may erect and maintain booms for the sorting of logs passing into the mill pond hereby authorized to be created: *provided*, that said booms shall be constructed so as to allow free passage of logs or lumber.

Control of dam.

SECTION 3. The control of the said dam and slides shall belong to the said John Quaderer, his associates, heirs and assigns, but subject, always, to the provisions of section two of this act.

Subject to certain laws.

SECTION 4. The dam so erected shall be subject to all the provisions of chapter fifty-six of the revised statutes of 1858, and to its amendments so far as the said chapter and amendments may be applied in like

manner as if such provisions were incorporated in this act.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1878.

[No. 416, A.] [Published March 27, 1878.]

CHAPTER 285.

AN ACT to amend chapter one hundred and thirteen of the laws of Wisconsin for 1877, entitled, "An act to detach certain territory from the town of Orion, and attach the same to the town of Eagle, in the county of Richland, state of Wisconsin."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter one hundred and thirteen of the laws of Wisconsin for 1877, entitled, An act to detach certain territory from the town of Orion, and attach the same to the town of Eagle, in the county of Richland, state of Wisconsin, is hereby amended so as to read as follows: The following described territory, embraced within the present boundaries of the town of Orion, of the county of Richland, is hereby detached from the said town of Orion, and attached to and made a part of the said town of Eagle in the said county of Richland, to-wit: The northeast quarter of section number thirty-six (36), of town number nine (9) north, of range number one (1) west, also the north half of the southeast quarter and the north half of the south half of the southeast quarter of section number thirty-six (36), in the town and range aforesaid; said territory to be deemed and taken to be for all purposes part of the said town of Eagle, and of the school districts thereof, and said territory is hereby attached to and made part of school district number eight (8) of the said town of Eagle, and detached from any and all school districts of the said town of Orion: *provided, however*, that nothing herein contained, shall be construed to prevent the said territory, or any part thereof, from being hereafter detached from said school district number eight (8) of said town of Eagle, and made part of any other district in conformity with law.

Amended.

Territory detached.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1878.

[No. 264, A.] [Published March 28, 1878.]

CHAPTER 286.

AN ACT to provide for the laying out of a state road from Lincoln, Kewaunee county, to intersect the Green Bay and Sturgeon Bay state road, in the town of Green Bay, in Brown county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Commissioners

SECTION 1. That Peter Houart, Alphonse Lefevre and Maximilian Finendael be and are hereby appointed commissioners to lay out and establish a state road, commencing at the south quarter post of the quarter line of section eighteen, in township number twenty-five north, of range number twenty-four, thence running west eight and one-half miles to intersect the Green Bay and Sturgeon Bay state road in the town of Green Bay, in Brown county, between section eighteen on the north and section nineteen on the south, in township number twenty-five, range number twenty-four, thence west between sections thirteen, fourteen, fifteen, sixteen, seventeen and eighteen on the north, and sections nineteen, twenty, twenty-one, twenty-two, twenty-three and twenty-four on the south, in township number twenty-five, range number twenty-three, in Kewaunee county, and following said line west between sections thirteen and fourteen on the north, and sections twenty-three and twenty-four on the south, in township number twenty-five, range number twenty-two in Brown county.

Compensation, etc.

SECTION 2. Any two of said commissioners shall form a quorom for business, and shall be entitled to such compensation for laying out said road as the board of supervisors of the respective counties through which said road may pass may deem sufficient: *provided*, that no compensation shall be allowed for laying said road over any road that may have been heretofore established: *and further provided*, that said road shall be laid out in accordance with the state laws in relation to state roads.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1878.

[No. 472, A.] [Published March 28, 1878.]

CHAPTER 287.

AN ACT to authorize the commissioners of school and university lands to loan a portion of the trust funds of the state to the town of Waldwick, county of Iowa, in this state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The commissioners of school and university lands are hereby authorized to loan a portion of the trust funds of the state not to exceed twelve thousand dollars, to the town of Waldwick, county of Iowa, in this state and the said town is authorized to borrow a sum not to exceed the amount above named of the said commissioners, and to issue to said commissioners certificates of indebtedness so contracted; said indebtedness shall bear interest at the rate of seven per cent. per annum, and the said interest shall be paid annually, together with not less than one-tenth (1-10) of the principal sum, till the whole is paid. Loan authorized. When payable.

SECTION 2. The secretary of state shall each year, until the whole loan be repaid, furnish to the county clerk of said county the amount which will be due from such town at the same time that he furnishes to that officer a statement of the state tax. It shall be the duty of the county clerk on receiving such statement, to include the amount due from such town in his apportionment of the state taxes to the town, but it shall be carried out in a separate column, and the town clerk of said stown shall charge such amount on his tax roll, and the tax shall be collected by the town treasurer and paid with the state tax to the county treasurer, who shall pay it over to the state treasurer with the state taxes. Secretary of state to apportion amount due with state tax.

SECTION 3. Before contracting any debt, and before any of said fund shall be delivered to said town, in exchange for said certificates of indebtedness, the supervisors of the said town of Waldwick shall file with the secretary of state an acceptance of the provisions of this act, and of the terms and limitations herein provided for. Acceptance.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1878.

[No. 267, A.] [Published March 28, 1878.]

CHAPTER 288.

AN ACT to authorize the building of sidewalks, and for the protection of the same, in unincorporated villages and towns.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Sidewalks.

SECTION 1. The overseers of highways within the road district in any town in this state, or in any unincorporated village in the town, and any person or corporation, may build and construct sidewalks along the line of any street or highway of gravel, earth, stone, plank, or other material, not to exceed eight feet wide, and repair the same when necessary.

Protection to sidewalks.

SECTION 2. It shall be unlawful for any person to ride, drive or lead any animal on said sidewalks at any season of the year, or pile wood, timber, posts, or throw any offal upon said sidewalks, or otherwise obstruct the travel on the same.

Penalties.

SECTION 3. Any person offending against any of the provisions of section two of this chapter, shall be liable to a fine of two dollars for each and every offense, to be recovered with costs, and shall also be liable to the builder of said sidewalks for all damages. Justices of the peace of any town in the county shall have jurisdiction of any violation of the provisions of this chapter, and all fines when collected shall be paid into the town treasury, and be applied to the repair of sidewalks.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1878.

[No. 427, A.] [Published March 28, 1878.]

CHAPTER 289.

AN ACT to amend chapter one hundred and forty-six of the laws of 1872, entitled "An act to authorize the organization of corporations for other than manufacturing, mercantile, insurance, banking, transportation or trading purposes, and of the acts amendatory thereof."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section thirteen of chapter one hundred and forty-six of the general laws of 1872, and acts amendatory thereof, are hereby amended by adding at the end thereof the following: "A corporation, organized under this act, or any other law of the state, for the purpose of sharp-shooting or improving in the use of fire arms, may locate, acquire and possess, by lease, conveyance or otherwise, suitable grounds for practicing the art of rifle shooting, and may establish, use and maintain a rifle range for its exercises, in conformity to such rules and regulations as the corporation may deem necessary to adopt for its good government. After such grounds and range are permanently located, and improved by the erection of buildings, breastworks, ramparts or otherwise, no public street shall be opened through the tract so used or occupied, unless the necessity thereof shall be first established by verdict of a jury; nor shall any suit be maintained against such corporation to restrain, enjoin, or impede its exercises at the place so selected, on complaint of any private individuals or parties, who shall acquire title to any property adversely affected by such exercises after such grounds and range are permanently located and improved by the erection of buildings, breastworks, or ramparts as aforesaid.

Amended.

Vested rights.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1878.

[No. 231, A.] [Published March 28, 1878.]

CHAPTER 290.

AN ACT to amend chapter two hundred and eighty-six of the laws of Wisconsin for 1877, entitled, "An act to define the duties of towns and town officers in certain cases."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Orders not to be drawn until payment provided for.

SECTION 1. The chairman of the board of supervisors and the town clerk of any town are hereby prohibited from drawing, signing or countersigning any order or orders on the treasurer of their town for the disbursement of any money of such town, until the tax for the payment of such order or orders shall have been voted by the electors of such town, or until the board of supervisors of such town shall have authorized the issue of such order or orders, not exceeding the amount which such town is authorized to appropriate for the purpose for which such orders are issued.

SECTION 2. This act shall take effect and be in force from and after its passage

Approved March 19, 1878.

[No. 239, A.] [Published March 27, 1878.]

CHAPTER 291.

AN ACT to authorize W. L. Sadler to erect and maintain a dam across Sucker Branch, in Polk county, for log driving purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Construction of dam authorized

SECTION 1. W. L. Sadler his heirs and assigns, are hereby authorized to maintain and keep up a dam across Sucker Branch in section number twenty-six, township number thirty-three, of range seventeen west in Polk county: *provided*, that such dam shall not raise the head of water to exceed six and one half feet in Sucker Lake.

Duties of corporators, etc.

SECTION 2. The aforesaid person, his heirs and assigns, shall build a suitable slide or slides in said dam, for running the water from said dam, and shall keep the same in repair, and the same shall be kept open at all times when Apple river is in a driving stage, and

there are logs, timber or lumber running in said Apple river below the mouth of said Sucker Branch, and when it is not necessary to hold the water back for the purpose of driving or flooding logs, timber or lumber; for which purpose flood gates shall be kept in repair and built in such a manner as to be shut and opened, as the case may require, to flood said logs, timber and lumber.

SECTION 3. When the aforesaid person, his heirs and assigns, shall have completed said dam as aforesaid, they are hereby authorized and empowered to receive and collect from the owners of all logs, timber or lumber which may be driven by the aid of the water from said dam (either on said Sucker Branch or Apple river), as a compensation for keeping up and maintaining such dam, the sum of seventy-five dollars for each twenty-four hours that any person or company on request shall have the use of the waters from said dam for driving purposes, the entire control of the said dam while using the water for driving purposes **Compensation.**

SECTION 4. The control of said dam, the slides and gates of the same, shall belong to the said Sadler, his heirs and assigns, but subject always to the provisions of sections two and three of this act. **Control of dam, etc.**

SECTION 5. Nothing in this act shall be so construed as to give the party aforesaid, his heirs and assigns, any right to any compensation unless water is actually used from said dam by request of the person or persons taking charge of the drive or drives. **Construction of act.**

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1878.

[No. 91, S.] [Published April 8, 1878.]

CHAPTER 292.

AN ACT to amend chapter one hundred and nineteen of the general laws of 1872, entitled "An act in relation to railroads, and the organization of railroad companies."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section thirty-one of chapter one hundred and nineteen of the general laws of 1872 is hereby amended so as to read as follows: Section 31. When **Amended.**

Liabilities and forfeitures.

such fences shall be duly made and maintained, the railroad company or party having control of the road shall not be liable for any such damages unless willfully or negligently done. And if any person shall ride lead or drive any horse or other animal upon such road when such road be fenced, or if any person or persons shall ride, lead or drive any horse or horses or team or teams lengthwise of said track when it is not fenced (other than at the farm crossings or upon depot grounds or where the same is laid along or across a public road or street) without the consent of the corporation or party having control of such road, he shall for every such offense forfeit a sum not exceeding ten dollars, to be recovered by such company or party in an action before any justice of the peace of the county wherein such offense is committed, and shall also pay all damages which shall be sustained to the company or party aggrieved. It shall not be lawful for any person other than those connected with or employed upon the railroad, to walk along the track or tracks of any railroad, except when the same shall be laid along public roads or streets: *provided*, this act shall not be construed to prevent any person from driving across any such roads from one part of his own land to another.

Amended.

SECTION 2. Section forty-nine of chapter one hundred and nineteen, general laws of 1872, and the acts amendatory thereof, are hereby amended so as to read as follows: It is hereby declared to be unlawful for any officer, agent or employe of any railroad company operating any line of railroad within the state, to lock or cause to be locked any door of any car used for the purpose of transporting passengers upon any railroad within this state, while such car is in motion and occupied by any person or persons as passengers upon said railroad, and such cars shall not be so locked as to prevent the free exit, from the cars at all times. It is also hereby declared to be unlawful for any officer, agent or employe of any railroad company to use or authorize the use of any kerosene oil of less than three hundred degrees test, or other material of an explosive nature, for the purpose of lighting any cars used for the transportation of passengers upon any railroad in this state.

Unlawful to lock car doors in certain instances.

Lighting of cars.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1878.

[No. 140, S.] [Published March 28, 1878.]

CHAPTER 293.

AN ACT in relation to the foreclosure of mortgages.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The register of deeds shall, upon the filing of any *lis pendens* for the foreclosure of a mortgage, enter upon the margin of the record of such mortgage a memorandum of the filing of such *lis pendens* and the date thereof. **Memorandum of filing.**

SECTION 2. If a judgment of foreclosure shall be redeemed before sale, or if any certificate of sale on foreclosure shall be redeemed before the time for redemption expires, the clerk of the court shall issue to any party interested his certificate of the fact of such redemption if the same shall appear on the record in his office, which certificate may be recorded in the office of the register of deeds of the proper county, and shall operate as a full and complete discharge and satisfaction of such mortgage. **Certificate of redemption.**

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1878.

[No. 215, S.] [Published March 29, 1878.]

CHAPTER 294.

AN ACT to provide for levying a state tax for the year A. D. 1878.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There shall be and is hereby directed to be levied upon the taxable property of the state a state tax, for the year of our Lord one thousand eight hundred and seventy eight, of four hundred and five thousand dollars ($405,000), in addition to the amounts authorized to be levied by existing laws. Said tax shall be apportioned and certified by the secretary of state to the several counties, and by the county clerks of the several counties to the several towns, cities and incorporated villages in their respective counties, and **State tax levy.**

shall be collected and paid over according to existing laws.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 19, 1878.

[No. 41, S.] [Published March 28, 1878.]

CHAPTER 295.

AN ACT to complete the payment of a certain award, and adjusted account.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Auditing of account authorized.

SECTION 1. The secretary of state is hereby authorized and directed to audit the unpaid balance in the claim of E. A. Calkins as computed and established on the third day of April, 1874, by the commissioners appointed by section one of chapter two hundred and seventy-four of the laws of Wisconsin of 1874, with interest thereon, and the amount so audited shall be paid to the said E. A. Calkins; and the secretary of state shall compute the total amount of the verdict in the circuit court of Milwaukee county, rendered November 17th, 1860, in the case in the supreme court of Elias A. Calkins and James K. Proudfit vs. The State of Wisconsin, to-wit: for the sum of fourteen thousand, eight hundred and twenty-four dollars and forty-three cents, with interest from that date to the twenty-second day of March, 1871, and from the amount thus found due on such verdict, he shall deduct the amount then paid by appropriation of the legislature; and on the balance remaining, he shall compute the interest to the said third day of April, 1874, and from the total sum thus then found due to the said Calkins and Proudfit, he shall deduct the amount paid by award of the said commissioners on that day; and the balance, with interest, shall be audited by him and paid to the said E. A. Calkins. The amounts so audited shall be paid to the said E. A. Calkins; and the sum or sums so audited and paid shall be as for an account or accounts finally corrected and adjusted, under the provisions of section twenty-three of chapter two hundred and forty-three of the laws of Wisconsin for 1874, entitled "An act relating to public printing."

SECTION 2. The presentation for audit and payment of the several accounts for state printing by the said firms of Calkins & Proudfit and Calkins & Webb, to the legislature and to the secretary of state, as the said accounts allowed from time to time during the existence and after the expiration of the contracts of said firms for state printing, is hereby declared to have been, and such presentation of said accounts for audit and payment shall be held to be in all respects a good and sufficient "filing" thereof, and of the claims and accounts growing out of their said contracts for state printing, as is required by the constitution of this state: *provided*, in all cases, that such presentation for audit and payment, and such "filing," shall have been made within six years after such claims or accounts had accrued. Filing of claims

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1878.

[No. 237, A.] [Published March 29, 1878.]

CHAPTER 296.

AN ACT to amend chapter three hundred and thirteen of the laws of Wisconsin for 1876, entitled "An act to revise, consolidate and amend the charter of the city of Racine, approved August 8, 1848, and the several acts amendatory thereof."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of title two of chapter three hundred and thirteen of the laws of Wisconsin for 1876, entitled "An act to revise, consolidate and amend the charter of the city of Racine," approved August 8, 1848, and the several acts amendatory thereof, is hereby amended by inserting after the words "board of education," in the seventh line, the words following, viz.: "and one supervisor from each ward to represent such ward in the county board of supervisors of Racine county." And section three of said title two is hereby amended by inserting in the fourth line after the words "school commissioner," the words "and one supervisor." Amendment. Supervisors.

SECTION 2. Title five of said act is hereby amended by adding thereto, as section twenty-six of said title, the following: Section 26. All streets and alleys Amended. Public streets, etc.

which have been heretofore laid out, or which may be hereafter laid out, by the common council or otherwise, and which shall have been opened and used or worked and improved for four years successively, shall be held to be public streets and alleys, and no defect or irregularity in the proceeding of opening the same, or in the direction thereof shall affect the same.

Amended.

Sidewalks, curbstones, gutters, etc.

SECTION 3. Section fifteen of title six of said act is hereby amended to read as follows: "The common council shall have power to cause sidewalks, curbstones and gutters to be built, rebuilt or repaired, and to assess the cost thereof against the particular lot or lots in front of which such work shall have been done. Such work may be done and required to be done without any petition therefor, upon the passage of an order or resolution by the common council, describing the location and the lots or lands in front of which such work shall be done, and naming the owners thereof, if known, and containing a particular description of the work, and naming the time (which shall not be less than ten days) in which the same shall be done; notice of such order or resolution shall be given, either by the service of copies thereof upon the owners of such lands personally, or by leaving a copy with the occupants of any building on such lot or lots, if they shall be occupied, or by a publication of such order or resolution in the official paper of the city at least ten days before such work is required to be done. The affidavit of the officer serving such order, describing the manner of such service, or the affidavit of the printer of the publication of such order, shall be *prima facie* evidence of such service. If, after the time mentioned for the performance of such work in such order, such work, or any part thereof, shall not have been done, the common council may cause such work to be done by contract or by men in its employ, and shall charge the particular cost of such work done in front of or contiguous to any lot or parcel of land as a special assessment against the respective lot or lots in front of or contiguous to which such work shall have been done, and certificates of special assessments may be issued thereon, and such assessment shall be collected as other taxes are collected.

Amended.

Construction of improvements.

SECTION 4. Title six of said act is hereby amended by adding thereto as a new section, the following: Section 18. The common council shall also have power to construct and cause the construction of breakwaters, sheet piling, piers or such other protections as may be planned

or devised, for the purpose of protecting the lake shore within the city limits against the encroachment of Lake Michigan, and to make the necessary appropriations therefor, and to levy ward taxes and special assessments upon real estate specially benefited by such works of protection. But before ordering such works of protection the common council shall cause plans and specifications and an estimate of the cost thereof to be made; and the same when authorized by the council shall be let by contract to the lowest responsible bidder or bidders, upon reasonable notice given in the official paper of said city of the time and place of receiving bids. And the common council may require sufficient bonds for the proper performance of such work, and may reject all bids if above the estimated cost or for failure to give bonds. After the expense of the work shall have been ascertained, the council shall determine the amounts intended to be charged as special assessments against each and every particular lot or parcel of land, which in its opinion shall be benefited by such protections and the amounts which shall be paid by the ward. A statement of such special assessments shall be published in the official paper of the city, with a notice that all persons interested may appear before the common council at a time therein named, not less than eight days from the first publication thereof, and be heard on the subject of such assessments. At such time the common council shall hear all parties interested, and make such corrections in the assessments as it may deem just. The contractors shall be required to receive as part payment the certificates of such special assessments, and such special assessments shall be a lien and be collected as other taxes are collected. No petition shall be requisite to authorize the common council to contract for such work and to levy the expense as herein provided.

SECTION 5. Title nine of said act is hereby amended by adding thereto as section eight, the following: The justices of the peace elected in said city shall have exclusive jurisdiction to hear, try and determine all prosecutions brought for the violation or non-observance of any provision of this act, or of any ordinance passed by virtue thereof or now in force in said city, and to render judgments and impose fines, penalties and punishments in accordance therewith, subject to appeal to the circuit court of Racine county. **Amended.** **Jurisdiction of justices.**

SECTION 6. Section one of title twelve of said act is hereby amended by striking out the words "two hun- **Amendment.**

dred dollars," after the words "to the superintendent of poor," and insert in place thereof the words "three hundred dollars." And also by striking out the words "four hundred and fifty dollars," after the words "to bridge tenders," in said section, and insert in place thereof the words "five hundred dollars."

Amendment.

SECTION 7. Section five of title eleven of said act is hereby amended by inserting after the words, "fire department" in the second line of said section the words "who shall hold his office for two years."

Amendment.

SECTION 8. Section one of title thirteen of said act is hereby amended by striking out the following sentence occurring after the figure seven: A sum not exceeding fifteen hundred dollars ($1500) for a police fund, and inserting in lieu thereof the following: A sum not exceeding two thousand dollars ($2,000) for a police fund.

Amended.

SECTION 9. Title fourteen, section twenty-one of chapter twenty-six of the laws of Wisconsin for 1877, is hereby amended by adding to the end of section five of said title, the following: And the county treasurer shall thereafter proceed to collect such taxes and assessments, and the same proceedings shall be had for the sale and redemption of lands for such taxes and assessments, and the conveyance thereof, as is now or shall hereafter be provided by law for the collection of taxes, and the sale and redemption and conveyance of lands returned by town treasurers, and such sales and conveyances shall be of like force and effect.

Collection of taxes.

Special tax levy

SECTION 10. The common council of said city is hereby authorized to levy, at the annual levy of taxes for the year 1878, the sum of twenty-five hundred dollars ($2500), for the purpose of paying for fire engines and apparatus purchased, in addition to the sum now authorized to be levied. And said common council is hereby also authorized to appropriate available or surplus sums from the poor fund and the bridge fund for the purpose of paying for the bridge over Root river from Fourth to Bridge street, and to repay to said funds the amounts thus appropriated therefrom in the manner provided by an act entitled "An act to legalize the contract for the building of a bridge on Fourth street, in the city of Racine, and to provide for the payment thereof," approved February 21, 1878.

SECTION 11. This act shall take effect and be in force from and after its passage.

Approved March 19, 1878.

[No. 38, A.] [Published March 29, 1878.]

CHAPTER 297.

AN ACT to protect and preserve fish in lakes Winnebago, Buttes des Morts, Winneconne, Little Butte des Morts, Poygan, Apuckaway, Buffalo, and the waters of the Upper and Lower Fox river, including all streams, creeks, sloughs, bayous or marshes or waters adjacent or tributary thereto.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. No person or persons shall place, draw or use any seine-net, pound, gill-net, drag-net, out line and hook or hooks, set-line and hook or hooks within the waters of lakes Winnebago, Little Buttes des Morts, Apuckaway, Buffalo, or the waters of the Upper and Lower Fox river, including all streams, creeks, sloughs, bayous or marshes, or waters adjacent or tributary thereto: *provided*, the provisions of this act shall not apply to the waters of lake Winnebago south of the north line of Island Park, nor to the waters of the Upper Fox river east of the west line of the town of Omro, nor to the Wolf river between lake Winnebago and lake Poygan. **Unlawful to fish in certain waters.**

SECTION 2. No person shall take or catch with any seine-net, pound, gill-net, drag-net, snare, out-line and hook or hooks, set-line and hook or hooks, spear or gun, or with any device, contrivance or means whatsoever, for catching, killing or destroying fish other than by hook and line or angling, any fish except mullet, suckers, bill-fish and dog-fish, from any of the streams, rivers, bayous, marshes or waters above described, and in the title of this act named and included: *provided*, that sturgeon may be taken with a spear during the months of January, February and March of each year. **Restrictions.**

SECTION 3. Any person who shall violate any of the provisions of this act shall be punished by a fine not exceeding fifty (50) dollars and costs of prosecution, and any person convicted for violation of any of the provisions of this act who shall neglect for the space of twenty-four hours to pay the fine imposed, together with the costs, shall be committed to the common jail of the proper county, there to remain until such fine and costs are paid, or until he be discharged by due course of law. **Penalties.**

SECTION 4. The penalties hereinbefore described shall be recovered in an action brought in the name of **Recovery of forfeitures.**

the state of Wisconsin, and any justice of the peace in any county through which the said streams run, or in which the said waters, marshes or bayous are situated is hereby empowered to try and, upon conviction, punish as herein provided, any person or persons violating any of the provisions of this act, and when any such fine shall be recovered under any of the provisions of this act one-half (½) of the same shall be paid to the person making the complaint, and the remainder shall be paid to the county treasurer of the proper county, as provided by law.

Repealed.

SECTION 5. All acts and parts of acts in conflict with this act are hereby repealed.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Received by the governor March 15, 1878.

Received by the secretary of state March 20, 1878.

NOTE BY THE SECRETARY OF STATE.—The foregoing act having been presented to the governor for his approval, and not having been returned by him to the house of the legislature in which it originated within the time prescribed by the constitution of the state, has become a law without his approval.

[No. 177, S.] [Published April 10, 1878.]

CHAPTER 298.

AN ACT to further provide for the care of the insane.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Counties authorized to procure sites conditionally.

SECTION 1. Whenever the total number of insane persons in this state shall exceed the total number of such persons who can be conveniently and properly cared for in the state institutions for the insane already existing, under the laws of this state, the board of supervisors of any county in this state, upon the conditions hereinafter named, may purchase, or otherwise provide a proper site, within said county, for the erection of a county asylum for the care of insane and inebriate persons, said site to contain not less than forty acres; and when said site shall have been approved by the governor, such board of supervisors may proceed, as hereinafter provided, to erect thereon suitable buildings for the proper care of a number of insane and inebriate persons, not less than thirty nor more than fifty per centum greater than the entire number of insane

persons then belonging to such county, as such board of supervisors may determine.

SECTION 2. Whenever the board of Supervisors of any county shall determine to purchase a site, and erect buildings for an insane asylum, as provided in the preceding section of this act, it shall be the duty of the county clerk of said county to file with the governor and state board of charities and reform, a certified copy of the proceedings of such board of supervisors relating to such determination; but no county shall be authorized, under this act, to purchase the site or erect the buildings specified in the first section of this act, until the governor and said board of charities and reform shall have first ascertained and filed a certificate with the secretary of state that a necessity exists for such additional asylum; and it shall be the duty of the governor and said board of charities and reform in such case to make and file with the secretary of state such certificate as aforesaid, whenever it shall appear to the governor and said board that, for want of room or other cause, there is insufficient provision for the proper care of the total number of insane in this state in the hospitals previously existing under the laws of this state, and the asylums previously erected or proposed to be erected under the provisions of this act; but in making such certificate the governor and said board, as far as practicable, shall give preference to those counties containing the largest number of insane persons under public charge. **Necessity must be shown to exist before purchase of site.**

SECTION 3. Before proceeding the to construction of the buildings, provided for in the first section of this act, the board of supervisors of any county proposing to erect such buildings shall cause to be prepared complete plans, drawings and specifications of the buildings proposed to be erected, which plans, drawings and specifications shall be submitted to the governor and state board of charities and reform for their approval, in respect to the number and sanitary care of inmates to be provided for; and after the approval of said plans, drawings and specifications by the governor and said board, said board of supervisors may adopt said plans, drawings and specifications, and proceed to contract for the construction of said buildings with the lowest bidder or bidders for all the work and material required therefor. **Construction of buildings.**

SECTION 4. Upon the completion of said buildings, and their acceptance by the governor and state board of charities and reform as aforesaid, the governor **Trustees.**

shall appoint three trustees, and the board of supervisors of said county two trustees, all of whom shall be resident citizens of the county in which said asylum is located, who shall constitute a board of trustees for the government of said asylum, and whose terms of office respectively shall be first determined by lot, and thereafter conform with the terms of office provided by law for the trustees of the state institutions for the insane. The treasurer of the county shall be the treasurer of said asylum, upon such conditions as the board of supervisors of said county may prescribe, and said board of trustees shall report to said board of supervisors, as often as said board of supervisors may require, and also annually to the governor, the condition and wants of said asylum, and also to the state board of charities and reform, a full and detailed statement of all receipts and expenditures on account thereof, and all other facts concerning the management and administration of said asylum.

Transfer of inmates.

SECTION 5. Upon the completion of said county asylum, and the organization of said board of trustees, as hereinbefore provided, said board is hereby authorized to transfer to said county asylum, all inmates of the state institutions for the insane committed from or belonging to said county, held as chronic or incurable, and all insane inmates of the poor house of said county, and all other persons belonging to or residing in said county, and adjudged to be insane according to the laws of this state; and said board of trustees may thereafter receive into said asylum any inebriate person, and all persons belonging to said county adjudged to be insane under the laws of this state. *Provided, however,* that whenever any insane person, committed to said county asylum according to the provisions of this act, shall be found to belong to the class defined as acute insane, and to require permanent and special treatment for the purposes of cure, said person may be transferred to the state hospitals for the insane, and committed therein, in the same manner and on the same conditions as other patients are committed to said state hospitals.

Inebriates.

Treatment at private charge.

SECTION 6. Said board of trustees of said county asylum may also receive into said asylum, under such regulations as said board may prescribe, any inebriate person, and any person adjudged to be insane, according to the laws of this state, not chargeable to any county in this state, for care and treatment at private charge: *provided,* that the care and treatment of such

person shall be undertaken and maintained without extra expense to the state, or the county in which said asylum is located.

SECTION 7. Said board of trustees of said county asylum may also receive into said asylum, under such regulations as said board may prescribe, any inebriate or insane person, belonging to any other county in the state, not admitted to the state institutions for the insane, for want of room or other reason; and such insane person so admitted, shall be subject to the same provisions of law as the insane persons belonging to the county in which said asylum is located: *provided*, that the cost of maintaining such inebriate or insane person shall be apportioned to the county to which such insane person belongs, for the benefit of the county in which said county asylum is located, in the same manner, and to the same extent that the inmates of state institutions are chargeable to the counties to which they belong under the laws of this state, and the balance of such cost to the state, in the same manner as other inmates of said county asylum are chargeable to the state, under the provisions of this act. **Persons belonging to another county.**

SECTION 8. The cost of the buildings for any such county asylum, as provided in this act, shall not exceed the amount determined upon and appropriated therefor by the board of supervisors of any county in which said asylum is located. **Cost of buildings.**

SECTION 9. Whenever any county, as aforesaid, shall have completed the construction of proper buildings for the purposes, and according to the conditions of this act, it shall be the duty of the board of trustees of such asylum to certify such fact to the secretary of state, together with a statement of the cost of such buildings; whereupon the secretary of state, in consideration of the amounts previously paid by said county in the construction of the state institutions for the insane, shall issue to said county his lawful warrant upon the state treasurer for the payment and return to said county of an amount equal to one-half the cost of said buildings for said county asylums: *provided*, that the amount so paid to any such county shall in no case exceed the sum of three hundred dollars per capita for the whole number of insane persons such asylum is designed to accommodate and provide for, such number to be estimated and determined by the governor and board of charities and reform. **Rebate.**

SECTION 10. The entire cost of constructing and maintaining any such county asylum shall devolve up- **Construction and maintenance.**

on the county in which the asylum is located, except as provided in this act, and nothing in this act shall be deemed to exempt said county from the payment of its proportion of the total cost of maintaining the state institutions for the insane already existing: *provided, however*, that any county maintaining and supporting its own insane according to the provisions of this act, in consideration thereof shall be entitled to receive therefor the compensation hereinafter provided in this act.

Compensation.

SECTION 11. During the month of January in each year, it shall be the duty of the secretary of state to compute the average cost per week per capita, of maintaining the insane inmates of the state institutions for the insane during the preceding fiscal year, for such purpose assuming the total cost of such inmates to be equal to the aggregate amount of payments from the state treasury, on account of legislative appropriations and not including payment by counties, on any account, in behalf of such institutions, during said fiscal year; and having thus ascertained the cost per week per capita of maintaining the insane inmates of said state institutions, for the preceding fiscal year, he shall compute the aggregate amount to which any such county maintaining its own insane shall be entitled to receive, on the basis of eighty per centum of an equal amount per capita per week, for all the insane persons maintained by such county at public cost, and shall thereupon draw his warrant upon the state treasurer for such aggregate amount, in behalf of said county, and shall deliver said warrant to the state treasurer, who shall thereupon place the amount of said warrant to the credit of said county, on the books of the treasury.

Laws to apply.

SECTION 12. All laws of this state relating to the government and management of state institutions for the insane, or to the appointment, duties, terms of office, proceedings and powers of trustees therefor, now existing, or hereafter enacted, including the provisions of this act, are hereby declared to be in full force and effect as to any county asylum for the insane organized under this act, so far as the same shall be applicable, and in harmony with the provisions of this act, relating to county asylums.

Counties already owning site and buildings.

SECTION 13. Any county in this state, now owning a suitable and sufficient site and buildings for the care and maintenance of its own insane, may organize and maintain a county asylum under the provisions of this act, with the previous consent and approval of the governor and state board of charities and reform, as pro-

vided in other cases by this act, but without cost to the state for such site or buildings: *provided*, that nothing in this act be construed to prevent any county in this state which now has buildings erected for the accommodation of the insane, from enlarging the same or from erecting new ones on any grounds belonging to the county, or upon any site the county board of supervisors may by resolution determine.

SECTION 14. All acts and parts of acts inconsistent with this act are hereby repealed. **Repealed.**

SECTION 15. There is hereby annually appropriated from the state treasury, out of any moneys not otherwise appropriated, a sufficient sum for the purposes of this act. **Appropriation.**

SECTION 16. This act shall take effect and be in force from and after its publication.

Approved March 20, 1878.

[No. 135, S.] [Published March 26, 1878.]

CHAPTER 299.

AN ACT to appropriate to the fish commissioners of the state of Wisconsin a sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated to the fish commissioners of the state of Wisconsin, out of any money in the treasury not otherwise appropriated, the sum of eight thousand dollars, to be drawn and expended by them under and pursuant to the provisions of chapter three hundred and seven of the laws of Wisconsin of 1876, and acts amendatory thereof. **Appropriation.**

SECTION 2. Section seven of chapter three hundred and seven of the laws of Wisconsin of 1876, is hereby repealed, and a new section is hereby substituted in lieu thereof, which shall read as follows: Section 7. The fish interests of the state shall be entrusted to a board of seven commissioners, of which the governor shall be *ex-officio* one member and the remaining six commissioners shall be hereafter appointed by the governor, with the advice and consent of the senate, and in case of a vacancy when the legislature is not in session, the governor shall have power to fill such vacancy, and shall report his action therein to the senate at the nextses- **Substitution.** **Board of commissioners.**

sion thereafter of the legislature. Such commissioners shall hold their place for a term of six years, unless sooner removed, except that of the six first commissioners to be appointed under this act the term of two shall expire April 1st, 1879; the term of two shall expire April 1st, 1880; and the term of the remaining two shall expire April 1st, 1881: *provided, however*, that the present commissioners shall continue to act until their successors are appointed as herein provided. The commissioners shall receive no compensation for their services, but shall be repaid the expenses necessarily incurred by them while discharging their duties as such commissioners, and their accounts shall be audited and paid as now prescribed by law.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 20, 1878.

[No. 185, S.] [Published April 10, 1878.]

CHAPTER 300.

AN ACT to authorize commissioners of school and university lands to loan a portion of the trust fund to the county of Rock.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Loan authorized.

SECTION 1. The commissioners of school and university lands are hereby authorized to loan a portion of the trust funds of this state not exceeding twenty thousand dollars ($20,000) to the county board of the county of Rock, in this state, and the said board of supervisors is hereby authorized to borrow a sum not exceeding twenty thousand dollars of said commissioners, and to issue to said commissioners certificates of the indebtedness so contracted. Said indebtedness shall bear interest at the rate of seven per cent. per annum, and said interest shall be paid annually, together with not less than one-tenth of the principal sum until the whole is paid.

When payable.

Secretary of state to apportion amount due with state tax.

SECTION 2. Each and every year until the whole loan is paid the secretary of state shall, when he apportions state taxes among the several counties, add to the state tax which would be properly chargeable to said county of Rock, the annual interest due the state on said loan, together with ten per cent. of the principal

sum so loaned, and the same shall be levied and collected out of the taxable property of said county and paid over to the state in the same manner as other state taxes are collected and paid.

SECTION 3. The said board of supervisors of Rock county may at any time after three years from the time of making said loan redeem the full amount of said certificates of indebtedness which at the time of such redemption may remain unpaid, and upon the payment of said certificates the said commissioners shall cancel and return the same to the said board of supervisors. May repay loan previous to time limited.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 20, 1878.

[No. 14, S.] [Published April 8, 1878.]

CHAPTER 301.

AN ACT to cheapen the cost of supporting the common schools of the state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The superintendent of public instruction, R. E. Davis, of Dane county, George H. Paul, of Milwaukee county, George S. Albee, of Winnebago county, and John B. Quimby, of Sauk county, are hereby appointed and constituted a board of text book commissioners for the performance of the duties hereinafter specified in this act. Commissioners

SECTION 2. As soon as practicable after the passage and publication of this act, the board of commissioners, constituted as provided in the first section of this act, shall assemble at such time and place as shall be designated by the superintendent of public instruction, and when so assembled said board shall proceed to take into consideration the various propositions which have been hitherto submitted to the legislature of Wisconsin, relating to uniformity in text-books for the public schools of this state and the cost of such books, together with such other propositions as may be submitted to or originate with said board, having reference to uniformity and cost of text-books for the public schools of this state, and it shall be the further duty of said board to inquire and determine, from existing facts and Duties of commissioners.

the experience of other states, whether, in the opinion of said board, any economical, practicable and expedient method or plan can be adopted by said legislature for promoting the uniformity, lessening the number, or cheapening the cost of such text-books, to the people of this state.

Further duties.

SECTION 3. It shall be the further duty of said board to inquire and determine whether any of the proposed reforms in English orthography now under consideration by legislative bodies or in practice in any of the public schools, or commended and approved by association of scholars and experienced teachers in this country or Europe, can be properly and expediently adopted or otherwise encouraged and promoted in the public schools, or in the publication of the official documents of this state, or otherwise.

Report.

SECTION 4. For the purposes of this act said board may, after its first meeting, meet and adjourn from time to time as the convenience of said board may require, and said board shall report by bill or otherwise such conclusions and recommendations in respect to the purposes for which said board is hereby organized, as in the opinion of said board the facts considered and the interests of the people of the state may seem to warrant, to the next legislature of this state.

Compensation.

SECTION 5. The members of said board of commissioners shall each receive the actual amount of his expenses in traveling to and from and in attendance upon all meetings of said board, and accounts for such expenses, duly authenticated by the officers of said board, shall be audited by the secretary of state and paid by the state treasurer from the general fund: *provided*, that the terms of appointment of all of said commissioners shall expire with the expiration of the annual session of the legislature of 1879, and that the total amount of expenses provided to be paid under the provisions of this act shall not exceed the sum of one thousand dollars.

Limitation.

Vacancies.

SECTION 6. Vacancies in said board of commissioners by reason of resignation or refusal to act, on the part of any member of said board, or for other cause, shall be filled by appointment of the governor.

Appropriation.

SECTION 7. There is hereby appropriated out of any moneys in the general fund not otherwise appropriated, a sufficient sum for the purposes of this act.

SECTION 8. This act shall take effect from and after its passage.

Approved March 20, 1878.

[No. 48, S.] [Published April 6, 1878.]

CHAPTER 302.

AN ACT to protect manufacturers and dealers in ale, beer, soda water and other beverages, from the loss of their casks, bottles, boxes and other packages.

The people of the state of Wisconsin, represented in senate nd assembly, do enact as follows:

SECTION 1. It shall be the duty of the secretary of state, on the application of any person or firm, domiciled in the state of Wisconsin, or of any corporation created under the laws of this state, engaged in the manufacture or sale of ale, porter, lager beer, soda water, mineral water, or other beverages in packages, to record in a book suitable for the purpose, a description of the names, brands, or trade-marks used by such person or party for marking his casks, barrels, kegs, bottles, jugs, fountains, boxes or other packages, which book shall be and remain a public record in his office. Record authorized.

SECTION 2. The secretary of state shall collect of any such person, firm or corporation, making application to have any such description of name, brand or trade-mark recorded in said secretary of state's office, a registration fee of five dollars for each and every such description of name, brand or trade-mark, before the same be received for record and entered upon the books of the secretary's office. Fee.

SECTION 3. If any person shall willfully and without the consent of the owner, appropriate to his own use, sell or otherwise dispose of any such cask, barrel, keg, bottle, jug, fountain, box or other package not the property of himself, and having thereon the names, marks or brands of any such manufacturer or dealer, the person so offending shall be deemed guilty of larceny and be subject to all the provisions of the law applicable to such offense. Penalty for larceny.

SECTION 4. If any person shall unlawfully and maliciously obliterate, injure or destroy the names, marks or brands affixed to any cask, barrel, keg, bottle, jug, fountain, box or other package used or intended to be used for the purpose aforesaid and not the property of himself, the person so offending shall be deemed guilty of a misdemeanor and be subject to a fine not exceeding one hundred dollars, or imprisonment in the county jail not exceeding sixty days, or both, as the court may deem proper. Penalty for injury.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 20, 1878.

[No. 80, S.] [Published April 6, 1878.]

CHAPTER 303.

AN ACT to amend section one, chapter one hundred and five of the general laws of 1869, entitled "An act to amend sections one and two of chapter sixty-five, revised statutes, entitled 'Of the insurance of property in incorporated villages," etc.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows.

Amended.

SECTION 1. Section one of chapter one hundred and five of the general laws of 1869, entitled An act to amend sections one and two of chapter sixty-five of the revised statutes of 1858, entitled Of the insurance of property in incorporated cities and villages, made by individuals and corporations not incorporated by the laws of this state, is hereby amended so as to read as follows: Section 1. Any person acting as the agent of any individual, association or corporation, whether incorporated by the laws of this state or any other state, territory or country, who shall effect any insurance against loss or damage by fire upon any property, whether real or personal, situated or being in any incorporated city, or incorporated or unincorporated village, having a regularly organized fire department, shall, on or before the first day of February in each year, pay to the treasurer of such fire department for the use and benefit of such fire department, two per cent. of all sums by such agent received, or by any person or persons for him, for premiums for insuring such property for the year ending on the next preceding first day of January, and of all sums that shall be due such agent for such insurance, that shall by agreement between the agent and the insured become due and payable before said first day of January.

Fees to fire department.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 20, 1878.

[No. 85, S.] [Published April 4, 1878.]

CHAPTER 304.

AN ACT relating to insurance companies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All fire insurance policies hereafter issued or renewed or delivered in this state which contain a reference to any application or representation made by the assured, and which application shall, by the terms of the policy, be made a part of the policy of insurance, or which shall be referred to as a warranty or representation, and which may in any manner affect the validity of the policy, shall have a true copy of such application attached to said policy or written therein: *provided*, that the provisions of this act shall not apply to policies written by town insurance companies, nor to policies issued by any insurance company upon dwellings, barns, their contents, or farm property; *and provided, further*, that the neglect to affix or attach a copy of the application or representation aforesaid to any policy of insurance, as required by this act, shall not render such policy void. **Duplicate of application.**

SECTION 2. If any insurance company, its agent, broker or solicitor, shall neglect to comply with the provisions of this act, such company shall be forever precluded from pleading or proving the contents of such application or representation, or any part thereof, in actions upon such policy. **Penalty for refusal to comply**

SECTION 3. If any policy of insurance shall not have attached thereto a copy of the application or representation mentioned in section one of this act, it shall not be necessary for the plaintiff to plead or to prove the contents of such application or representation in order to recover upon such policy. **Not necessary to prove contents.**

SECTION 4. This act shall take effect and be in force from and after sixty days after its passage and publication.

Approved March 20, 1878.

[No. 214, S.] [Published March 27, 1878.]

CHAPTER 305.

AN ACT to appropriate to the institution for the education of the blind a sum of money therein named, and to repeal chapter sixty-six of the laws of Wisconsin of 1878.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation.

SECTION 1. There is hereby appropriated to the institution for the education of the blind, out of any money in the general fund not otherwise appropriated, the sum of eighteen thousand five hundred dollars for the following purposes, to-wit: Seventeen thousand five hundred and forty-five dollars for the payment of current expenses for the year ending March 1st, 1879, four hundred and fifty-five dollars for house furnishing, five hundred dollars for improvement of grounds.

Disbursement of funds.

SECTION 2. All sums of money appropriated by this act for current expenses shall be drawn not oftener than quarterly in advance.

Repealed.

SECTION 3. Chapter sixty-six of the laws of Wisconsin of 1878, approved March 4, 1878, is hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 20, 1878.

[No. 138, S.] [Published April 1, 1878.]

CHAPTER 306.

AN ACT to amend an act entitled an Act to incorporate the Germantown Farmer's Mutual Fire Insurance Company, approved April 1st, 1854, and amendatory of chapter three hundred and thirty-one of the private and local laws of the year 1857, and all acts amendatory thereto.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Members.

SECTION 1. All persons who shall at any time insure in said company, and also their respective heirs, executors, administrators and assigns continuing to be insured therein, shall be members thereof during the continuance of their respective policies, and no longer, and shall at all times be concluded and bound by the provisions of this act.

SECTION 2. The annual meeting of said company shall be held at their office in the town of Germantown, on the second Monday of January in each and every year, and special meetings may be called in such manner as the by-laws of said company may prescribe. Notice of every annual or special meeting to be held shall be given by the directors, or their secretary under their direction, at least thirty days previous to said meeting, by publishing in one or more newspapers having a general circulation in the county of Washington. The present board of directors shall hold their office for the term of one year from the day of their election, and at the next annual meeting of the company there shall be elected five directors, and within ten days after their election, they shall hold a meeting for the purpose of determining by lot the terms of office of such directors, three of whom shall hold their office for the term of two years, and two of whom shall hold their office for the term of one year, and at the next annual meeting to be held thereafter, there shall be elected two directors, who shall hold their office for a like time of two years, and there shall be elected in like manner thereafter two and three directors each alternate year, by a majority of the votes of the members present and voting by ballot; and such directors elected shall hold their office for the term of two years, and until others are elected and have accepted their trust: *provided, however*, that if any officer of the company ceases to be a member thereof, he shall thereby discontinue his term of office, and his place shall be deemed vacated: *and provided, further*, that if any vacancy shall occur among said board of directors, either by death, resignation or otherwise, the remaining members of said board shall have full power and authority, at any regular meeting to be held by them, to fill said vacancy by appointment, and every member so appointed shall hold his office for the balance of the unexpired time of his predecessor in office. Every member present at the annual or any special meeting to be held for the said company, shall be entitled to one vote.

Annual and special meetings.

Directors.

SECTION 3. The directors elected, before they execute any of the duties of their office, and within ten days after their election, shall severally take an oath or affirmation that they will faithfully, diligently, honestly and impartially perform the duties of their respective offices according to the best of their ability, and at their first meeting, which shall be within ten days after their election, or as soon thereafter as may

Oath.

Duties of directors.

be, they shall choose one of their number president, who shall hold his office for one year, unless sooner removed by a vote of the directors; they shall also appoint a secretary, a treasurer, and such other officers and agents and assistants as may be necessary. The directors shall superintend the concerns of said company, and shall have the management of the funds and property thereof, and all matters and things thereunto relating, not otherwise provided for by said company, and a majority of the whole number at any time shall constitute a quorum for the transaction of business; they shall determine the rate of insurance, the sum to be insured, the premium to be paid, and the deposit note to be given for such insurance, or to require the whole premium to be paid in cash, without taking a deposit note, as they may order and direct, and they shall direct the making and issuing of all policies, and shall provide books, stationery, and all other things needful for the office of said company, and for carrying on the business thereof; they shall draw upon the treasurer for the payment of all losses which may have been allowed, and for the expenses of said company. They shall hold meetings as often as the business of the company may require, and shall keep a record of their proceedings, which shall be open to the inspection of the members of the company. They shall also determine the salary, fees and expenses, to be paid to any and all of the officers and agents of the company.

Failure to elect directors on certain day not to dissolve corporation.

SECTION 4. In case an election of directors shall not be made on the day provided by this act for such election, the said corporation shall not, for that reason, be dissolved, but it shall be lawful on any other day to hold and make an election of directors at such time as shall be regulated and provided by the by-laws and ordinances of said company.

Policies.

SECTION 5. The policies of insurance and other contracts founded thereon, hereafter to be made or entered into by said company, though not under seal, if subscribed by the president, or in case of his absence, resignation, or inability to act, by such officer or officers or person or persons, as may be for that purpose authorized by the act of incorporation or the by-laws of said company, and countersigned by the secretary, shall be binding and obligatory upon said company, and shall have the like force and effect, to all intents and purposes, as if the seal of said company had been or was affixed thereto: *and further*, all such policies and contracts may be so signed and attested, and all

other business of said company may be conducted and carried on by a committee or committees, consisting of members of said company, duly appointed by the board of directors, at one of their regular meetings for that purpose or otherwise, without the presence of the board of directors, and shall be binding and obligatory on said company, if the same be done under or in conformity with this act and the by-laws and ordinances of said company.

Assignment of policy.

SECTION 6. In case any person or persons insured, named in any policy or contract of insurance made by said company, shall sell, or convey, or assign the property insured during the time for which it is insured, it shall be lawful for such assured to assign and deliver to the purchaser or purchasers, such policy or contract of insurance, and such assignee or assignees shall have all the benefit of such policy or contract of insurance, and may bring and maintain an action thereon, in their own name: *provided*, that before any loss shall happen, they shall obtain a consent, in writing, of said company to such assignment, and have the same indorsed or annexed to the said policy of insurance.

May acquire and hold real estate.

SECTION 7. The said company shall have power and authority to acquire, by purchase or otherwise, and hold, improve and convey such real estate as shall be necessary and convenient for the transaction and safe keeping, operation and preservation of the books, papers and personal effects of said company. It shall and may further be lawful for said company to take and hold real estate, *bona fide* mortgaged to them by way of security for the payment of any debts which may be contracted with the said company, and to proceed on the said mortgaged securities for the recovery of the moneys thereby secured, either in law or equity, in the same manner as any other mortgagee is or shall be authorized to do, and also to purchase on sales made by virtue of any proceeding at law, or any decree or order of any court of equity or any other legal proceedings, or otherwise receive and take, sold or conveyed real estate in payment of or towards the satisfaction of any debt previously contracted and due to the said company, and to hold the same until they can conveniently and advantageously sell and convert the same into money or other personal property.

Funds.

SECTION 8. The funds of said company shall be invested or loaned for a term not to exceed four years, on promissory notes, secured by bond or mortgage on unincumbered real estate worth double the amount so loaned or invested, except as hereinafter provided.

Expenses.

SECTION 9. The funds of the company shall be appropriated to the payment of the expenses of the company, the payment of losses or damages by fire or lightning, and the return of unearned premiums in case of the surrender of a policy or otherwise, as may from time to time be directed by the directors of said company, and the cash, securities and deposit notes shall constitute the funds of the company.

What constitutes funds.

Deposit notes.

SECTION 10. Said deposit notes shall be payable in part or in whole, at any time when the directors shall deem the same requisite for the payment of losses or expenses, or whenever any deficiency shall exist in the reserve fund, as required by law; and at the expiration of the term of insurance, the said note, or such part thereof as shall remain after deducting all assessments for losses and expenses occuring during said term, shall be relinquished and given up to the signers thereof or be otherwise destroyed or cancelled. *Provided, however*, that whenever an insurance, whereon a deposit note was given in part payment of premium, shall be renewed and the policy continued in force, the deposit note shall likewise remain in full force and virtue during the continuance of said policy of insurance.

Payment of losses.

SECTION 11. In case of any loss or damage by fire or lightning happening to any member upon property insured in and with said company, the said member shall give notice thereof, in writing, to the secretary of said company, within twenty days from the time such loss or damage may have occurred and the directors of said company, upon examination and view of the testimony taken or to be taken in relation to such loss, may, within thirty days after notice of such loss as aforesaid, either allow the whole of such claim or in part, or may reject the same in whole, and if the claimant is not satisfied with the determination of the directors of said company, for the time being he may bring an action against said company for such loss or damage, at the next or some succeeding term of the circuit court to be held in and for the county of Washington, in the state of Wisconsin, and if upon trial of said action a greater sum shall be recovered than the amount allowed on such claim by the directors of said company, with interest thereon after ninety days from the time of such loss or damage, such claimant shall recover costs in such action as allowed by law; but if no greater amount shall be recovered in such action than the amount allowed on such claim by the directors of said company, then in such case the company shall recover their costs

in such action; but in no case shall the company be obliged to pay more than the real amount it was insured for. All claims, if allowed, shall be paid within ninety days after notice given to the company.

SECTION 12. The directors of said company, by a vote of the majority of the board, may authorize the president and secretary of said company to borrow, from time to time, on the faith and credit of said company, any sum of money necessary, not exceeding in any one year the sum of ten thousand dollars, for the purpose of paying any losses or damages that may accrue to the members of said company by fire or lightning, and if any sum of money shall be borrowed for the purposes aforesaid, it shall be and is hereby made the duty of the directors of said company, immediately thereafter, to levy an assessed tax *pro rata*, on the deposit notes then in force, for the amount necessary to pay such sum or sums of money borrowed as aforesaid, together with the incidental expenses for collecting the same; but as long as other securities may be on hand, they may be sold to satisfy any such losses, in the discretion of the board of directors. **May borrow funds.**

SECTION 13. The company shall in no case be liable to pay for damages by fire or lightning, except the cash premium shall have been paid before such damage happens, and in case a note is given and accepted by the company or its agent, instead of the cash premium, and the same is not paid within thirty days after due, the company shall not be liable in case a damage shall happen to such assured; the same rule shall apply in case an assessment be made on any deposit note, and if such assessed amount shall not be paid within thirty days after notice given to the assessed, then in such case the company shall not be liable if a damage should happen. **Cash premium must be paid to effect insurance**

SECTION 14. Whenever any assessment is made on any deposit note given to the said company as part of the consideration for any insurance issued by said company, and an action is brought for the recovery of such assessment, the certificate of the secretary of said company, specifying such assessment and the amount due to said company on such note by means thereof, shall be taken and received as *prima facie* evidence thereof in all courts and places whatsoever. **Evidence.**

SECTION 15. Any person who, as secretary, deputy secretary, or clerk of said company, shall be guilty of any designed falsehood or fraud in the certificate authorized by the fourteenth section of this act shall be **Misdemeanors.**

guilty of a misdemeanor; any person who shall personate or falsely affix the name of said secretary, deputy or clerk to any such certificate shall be guilty of a misdemeanor; any person who shall fraudulently vote at any election of directors of said company shall be guilty of a misdemeanor.

Penalty.

SECTION 16. Any person or persons convicted of a misdemeanor, for any offense under this act, shall be sentenced to imprisonment in the county jail for a time not exceeding six months, or to pay a fine not exceeding fifty dollars, or to both such fine and imprisonment, at the discretion of the court.

By-laws.

SECTION 17. The members of the company may from time to time, at their annual or at any special meeting called for that purpose, adopt such by-laws and regulations as they may deem just and necessary for the promotion of the business of the company, not inconsistent with the constitution of the United States or of this state.

Election of directors.

SECTION 18. The election of directors shall be by ballot, and the election shall be conducted by three inspectors and two clerks, who shall be selected by the directors from the members of the company; notice shall to them be given at least three days before the time for holding such meeting; in case of the refusal or other cause of any person so selected to act, his place shall be filled from the members present at such meeting. Before receiving any votes, the inspectors and clerks of election shall severally take and subscribe, on oath or affimation, that they will support the constitution of the United States and the constitution of the state of Wisconsin, and will perform the duties of inspectors or clerks of election, according to the provisions of this act, and will studiously endeavor to prevent all deceit or abuse in conducting the same. Said oath or affirmation shall be in writing, and shall be filed with the secretary of the company.

Polls.

SECTION 19. The polls for election shall be opened at eleven o'clock in the forenoon, or as soon thereafter as may be convenient, and shall be kept open till sundown of the same day; the inspector shall cause proclamation to be made of the opening and closing of the polls.

Canvass of votes.

SECTION 20. As soon as the polls of the election shall be finally closed, the inspectors shall proceed to compare, count and ascertain the number of votes given to any and every person for director, and shall make a statement thereot in writing; they shall also

make out a statement of the persons elected, and certify to it, which said statements and certificates shall be delivered to the secretary of the company, and by him filed and preserved.

SECTION 21. The operations and business of the Germantown Farmer's Mutual Insurance Company shall be carried on at its office in the town of Germantown, county of Washington, and state of Wisconsin. Location of headquarters.

SECTION 22. All provisions of chapter two hundred and seventy-eight of private and local laws of the year 1854, and all acts amendatory thereto, with the exception of section one thereof, inconsistent or contravening with this act, are hereby repealed. Repealed.

SECTION 23. This act shall take effect from and after its passage and publication.

Approved March 20, 1878.

[No. 187, S.] [Published April 1, 1878.]

CHAPTER 307.

AN ACT to authorize the board of supervisors of Milwaukee county to borrow a sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The board of supervisors of Milwaukee county is hereby authorized and empowered to borrow and appropriate a sum of money not exceeding one hundred thousand dollars, in addition to all sums of money said county is now authorized to borrow and appropriate under any local or general law of this state, for the purpose of constructing any additional county buildings required or permitted under the laws of this state. Said money may be borrowed by the issue of bonds, or by a note signed in behalf of the county by the chairman of the board and the county clerk of said county. Appropriation for county buildings.

SECTION 2. The rate of interest paid upon any loan authorized and provided for in the preceding section of this act, shall not exceed seven per centum per annum, nor shall any part of such loan be made until after said board of supervisors shall have first specified by resolution the amount of money so required, and the manner and purpose of its expenditure, nor until the treas- Interest. Limitations.

urer of said county shall have filed his special bond with the clerk of said board, with such good and sufficient sureties, as said board of supervisors may require and approve, for the safe keeping and lawful disbursement of such money.

Disposition of funds.

SECTION 3. All moneys borrowed under the provisions of this act, shall be paid into the treasury of said county, and shall be kept as a separate and distinct fund, apart from all other moneys belonging to said county, and shall be paid out and accounted for by the treasurer of said county, only upon the orders of said board, countersigned in the manner now provided by law for the payment by said treasurer of moneys belonging to said county.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 20, 1878.

[No. 58, S.] [Published April 6, 1878.]

CHAPTER 308.

AN ACT for locating and changing county seats, and repealing chapter eighty-nine of the general laws of 1872 and chapter four hundred and seven of the laws of Wisconsin of 1876.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

County seat.

SECTION 1. Whenever any county shall be organized for county purposes, or whenever two or more counties may be by law united and organized as one county, it shall be the duty of the board of supervisors of such county, at the first regular meeting of said board, to designate some point in said county for the county seat, and the point so designated shall be and remain the county seat until removed in the manner hereinafter provided.

Manner of changing county seat.

SECTION 2. Whenever two-fifths of the legal voters of any county (to be determined by the poll list of the last previous general election held in such county, the names of which voters shall each appear on some one of the poll lists of said election) shall present to the board of supervisors a petition signed by them, asking a change of the county seat to some other place, such place to be designated in such petition, it shall be the duty of such board to submit the question of removal of the county seat to a vote of the qualified vo-

ters of the county in the manner herein provided. Such election shall be held only on the day of the general election for state and county officers, and shall be conducted and the votes canvassed, certified and recorded in the same manner as other votes, at such election, and none but citizens entitled to vote at such general election shall be entitled to vote on the question of the change of county seat. At such election, those voting for the change of the county seat shall deposit a ballot in a separate box to be provided, "for the change of county seat," and those voting against such change shall deposit a ballot "against the change of county seat." If a majority of all the votes cast at such election on that subject shall be in favor of the proposed change, it shall be the duty of the chairman of the board of supervisors to certify the same, with the attestation of the county clerk, to the governor, who thereupon shall issue his proclamation to that effect and cause the same to be published in the official state paper, and from the date of such publication, the place so designated shall be the county seat of such county; but if a majority of such votes shall be against such removal, then it shall not be lawful for the board of supervisors to again submit the question of removal at any time within five years; four weeks, previous notice of such election shall be given by the county clerk by publishing the same once a week for four weeks in all the newspapers published in such county, or if there be no newspaper published in such county, then a written or printed notice shall be posted in two conspicuous places in each town in the county, at least four weeks previous to such election.

SECTION 3. Chapter eighty-nine of the general laws of 1872, and chapter four hundred and seven of the general laws of 1876 are hereby repealed. **Repealed.**

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 20, 1878.

[No. 174, S.] [Published March 29, 1878.]

CHAPTER 309.

AN ACT to legalize the acts of the common council of the city of Chippewa Falls, relating to street work, and to authorize the assessment and collection of the amount thereof as a special tax.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Legalized.

SECTION 1. The proceedings of the common council of the city of Chippewa Falls, Wisconsin, in the grading of Cedar street in said city, graded by Joseph Beaudett, under order of the common council of said city, and under his contract therefor of June 22d, 1875, is hereby legalized and made of as full force and effect as if the same had corresponded fully with all of the requirements and provisions of sub-chapter eleven of chapter one hundred and sixty-nine of the laws of Wisconsin of 1873, and the amendments thereto.

Special tax authorized.

SECTION 2. The proper authorities of said city are hereby authorized to order that the amount of the unpaid certificates for the grading of said street be assessed to and upon the lots of land respectively upon which the same is chargeable, and to enter the same upon the next annual tax roll as a special tax, to be collected therefrom for the benefit of the holders of said certificates, and to proceed to collect the same according to law as other taxes on real estate are collected by virtue of the laws of this state, except that personal property shall not be seized or sold for the payment thereof.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 20, 1878.

[No. 226, A.] [Published March 30, 1878.]

CHAPTER 310.

AN ACT to legalize the acts of the common council of the city of Chippewa Falls relating to street work, and to authorize the assessment and collection of the amount thereof as a special tax.

The people of the state of Wisconsin, represented in senate and Assembly, do enact as follows:

SECTION 1. The proceedings of the common council of the city of Chippewa Falls, Wisconsin, in the grading of Central street and Mill street, and that part of West street between Central street and Willow street, in the western addition to the city of Chippewa Falls, and so much of Mill street as lies east of the center of West street, three hundred and five feet, graded by Michael Hall, under order of the common council of said city of July 18th, 1874, and under his contract therefor, of August 28th, 1874, is hereby legalized and made of as full force and effect as if the same had corresponded fully with all of the requirements and provisions of chapter two of chapter one hundred and sixty-nine of the laws of Wisconsin for the year 1873, and of the amendments thereto. Legalized.

SECTION 2. The proper authorities of said city are hereby authorized to order that the amount of the unpaid certificates for the grading of said streets be assessed upon the lots of land respectively upon which the same is chargeable, and to enter the same upon the next annual tax roll as a special tax, to be collected therefrom for the benefit of the holders of said certificates, and to proceed to collect the same according to law, as other taxes on real estate are collected by virtue of the laws of this state, except that personal property shall not be seized or sold for the payment thereof. Special tax authorized.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 20, 1878.

[No. 262, A.] [Published March 29, 1878.]

CHAPTER 311.

AN ACT to legalize the official acts of J. P. Towne, a notary public of Rock county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Legalized.

SECTION 1. Whereas, J. P. Towne was duly commissioned as a notary public for Rock county for the two years next preceding the sixth day of January, 1877, and was again commissioned as such officer on the twenty-sixth day of March, 1877, between which dates he acted as notary public in ignorance that his commission had expired; therefore, the official acts of said J. P. Towne as notary public for Rock county, between the sixth day of January, 1877, and the twenty-sixth day of March, 1877, are, and each of them is, hereby legalized and declared to be of the same binding force and effect as if he had held a commission during said time.

SECTION 2. This act shall take effect and be in force from and after it passage.

Approved March 20, 1878.

[No. 378, A.] Published April 6, 1878.]

CHAPTER 312.

AN ACT relating to the solemnization of marriage.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Duty of person authorized to solemnize marriage.

SECTION 1. If any person, authorized by law to join others in marriage, shall solemnize any marriage without first having examined at least one of the parties on oath, as to the legality of such marriage, and the age of the parties, and shall have omitted to require of all males under the age of twenty-one years, and females under eighteen years of age, the written consent of the parent or guardian of such parties, attested by two witnesses, unless such parent, parents or guardian be present at the solemnization of such marriage, he shall be deemed guilty of a misdemeanor, and upon conviction

thereof shall be punished by imprisonment in the county jail not less than thirty days nor more than one year, or by a fine not less than fifty dollars nor more than five hundred dollars, or by both such fine and imprisonment, at the discretion of the court.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved March 20, 1878.

[No. 99, S.] [Published April 4, 1878.]

CHAPTER 313.

AN ACT to appropriate to the county of Green Lake, a sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated to the county of Green Lake, the sum of six hundred and twenty-five dollars and forty cents, being the amount said county has paid the state for the support of an insane person not properly chargeable to said county. Appropriation.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 20, 1878.

[No. 184, S.] [Published April 1, 1878.]

CHAPTER 314.

AN ACT to provide for the construction of sewers in the city of La Crosse, and amendatory of the city charter

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The common council of the city of La Crosse is hereby authorized by ordinances passed from time to time to divide said city into as many sewerage districts as may be deemed expedient. Sewerage districts.

SECTION 2. Whenever any sewerage district or districts shall be established, as aforesaid, the common council shall, before causing any sewers to be Plan of sewerage.

constructed therein, cause to be made a general plan of sewerage for such district, together with the diagrams for each district showing the plan thereof, and containing as nearly as practicable the lots, blocks and tracts of land, the main sewers to be constructed, the branch and minor sewers, the man-holes, the catch-basins, and their connections through overflow pipes with the sewers and any other data deemed necessary for the public information.

Notice of plan.

SECTION 3. On the completion of such diagram or diagrams, the said common council or one of its committees charged with that duty shall cause notice to be given in the official paper of the city for at least six days, that a plan of sewerage is open for inspection at the office of the city clerk; any person owning real estate within such district, may within ten days after the day of the first publication of said notice, file with the said city clerk written objections to the said plan, stating therein the nature and reason of his objections, and may also suggest improvements to said plan.

New diagrams.

SECTION 4. At any time after the expiration of the said ten days, the city clerk or any committee of the council charged with the matter, may return said plan or plans to the council, together with the written objections filed, as aforesaid, and the common council may thereupon and at any time thereafter ratify and confirm the said plan as originally proposed, or adopt any of the changes suggested, or may direct a new plan and new diagrams to be prepared; in case new plans and diagrams shall be ordered, the same notice shall thereupon be given and the like proceedings had as upon the preparation and filing the first plan and diagram as hereinbefore provided for.

Filing of diagram.

SECTION 5. Whenever any plan and diagram for any district or districts shall have been finally agreed upon and confirmed by said common council, the same shall be filed in the office of the city clerk, and shall be subject at all times to public inspection; no such plan, when so confirmed, shall thereafter be deviated from in the construction of sewers in said district, except in pursuance of a resolution or ordinance of the common council, to be passed by a vote of not less than three-fourths of the members elect in favor thereof: *provided*, that nothing herein shall be construed to prevent the ordering and construction of any main sewer in any such district, without the plans for such district being completed in their whole extent and in all their details.

SECTION 6. The common council may, at any time after the adoption and filing of such plan and diagram, as aforesaid, cause an estimate or estimates to be made of the cost of building any sewer or sewers in such district or districts; such estimates shall be in writing, and shall show the location and extent and grades of the sewer or sewers to be built, their size or sizes, the kind and quality of materials of which they should be composed, man-holes, catch-basins, and overflow pipes, and all other details necessary to a full understanding of the character, extent and probable cost of the work, together with the necessary grading and refilling, and removal of surplus earth, and estimates of the cost of the work in detail and in the aggregate; such estimate shall also be accompanied by a profile of the grades of the sewer or sewers to be constructed, giving a sufficient number of bench marks and their elevation, and such other data as may be necessary to make future surveys; the common council may consider, amend, and adopt such estimates, or reject the same, and cause others to be prepared; after the approval and adoption of any such estimate, the same shall be filed in the office of the city clerk, and subject to public inspection. Estimates of cost.

SECTION 7. At any time after the approval and filing of such estimate as aforesaid, the street commissioner or any other officer or committee appointed or designated by the common council for that purpose may by direction of the council advertise in the official paper for bids to do the work so ordered, and may receive such bids, and subject to the approval of the common council, let the contract or contracts therefor to the lowest responsible and reliable bidder or bidders, and with the approval of said council the different parts of the work embraced in each estimate may be let to different bidders. Contracts for work.

SECTION 8. Such contract shall require the contractor to receive as payment for so much of the work as may be assessed against the lots opposite to the front of which any such sewer shall extend, certificates against such lots respectively, and the residue of the contract price shall be paid out of the general fund of said city; the certificates hereinbefore provided for shall be issued and signed substantially in the usual form of certificates issued for street improvements by the street commissioner or other officer or officers charged by the common council with the supervision of the work under the contract; such certificates shall have the same Certificates.

effect, and their payment and collection may be enforced in the same manner as the street commissioner's certificates provided for in chapter six of the charter of said city.

Assessments.

SECTION 9. After any contract for work under this act shall have been entered into, the street commissioner or other officer in charge of said work as aforesaid, shall, in conjunction with the city surveyor, make or cause to be made an assessment against all lots, parts of lots and parcels of land fronting or abutting on the works so contracted to be done, on each side of the same for its whole length, and which have not before been so assessed for sewerage purposes, at the rate of eighty cents per lineal foot of the whole frontage of each lot, part of lot or lots or parcel of land fronting or abutting on either side of such sewer, except corner lots, which shall be assessed therefor as follows: Corner lots not subdivided in ownership, and subdivisions of corner lots constituting the actual corner of corner lots subdivided in ownership, shall be entitled to a deduction, in making such assessment, of one-third from the aggregate of the street line of such corner lots, or corner subdivisions thereof, on all the streets in front thereof, such deduction to be made in the assessment of the longest street line of such corner lots, or corner subdivision thereof, or in case of equal street lines thereof, in the assessment for the second sewer to which they are liable: *provided however*, that when the actual cost of any sewer shall be less than one dollar and sixty cents per lineal foot, then and in that case the assessment shall be for the actual cost of said sewer per lineal foot; no more than one-half of such actual cost shall be chargeable against the property fronting or abutting thereon, on each side thereof. Whenever any lot which, as originally platted, fronts or abuts on any sewer, is subdivided, and the subdivisions thereof are owned by different persons, no subdivision of such lot not fronting or abutting on such sewer, and not owned by the same person who owns the subdivision fronting or abutting on such sewer, shall be assessed for the cost of such sewer.

Apportionment of assessment.

SECTION 10. Whenever any lot or parcel of land shall be subdivided, by sale or any other contract, after the approval and filing of the estimate, as hereinbefore provided for, any person interested may give notice to the officer or officers having charge and supervision of such work, and assessment of such subdivision, and in such case, or when the said officers shall in

any other way become cognizant of the fact of such subdivision, they make an equitable apportionment of the said assessment against any said lot, between the different parcels of it; but if by neglect of the owners of the lot so subdivided, no such apportionment shall be made, then the entire lot shall be liable for the entire assessment.

Payment of cost of work.

SECTION 11. The cost of all sewers in street and alley crossing, and of all sewers, in excess of one dollar and sixty cents per lineal foot, chargeable to lots and lands as provided in section nine of this act, of all catch-basins for receiving the water from the gutters, and the overflow pipes connecting them with the sewers, of all temporary catch-basins, and of the repairing and cleaning of sewers, and all expenditures for temporary work necessary to carry out the system of sewerage herein provided for, and all costs for constructing sewers not provided for by special assessment, shall be paid out of the general fund of the city.

Sewerage tax.

SECTION 12. The common council shall have power to levy, in addition to all other taxes now authorized by law to be levied and collected in said city, a tax upon all the property within said city, for sewerage purposes, not to exceed in any one year the sum of two and one-half mills on the dollar on all property real and personal, subject to taxation within said city; such sewerage tax may be added to the sum of all other general city taxes, and be extended and collected in the same way.

Certificates.

SECTION 13. It shall be the duty of the street commissioner, or other officer charged by the common council with the supervision of any work done pursuant to this act, upon the completion and acceptance of such work according to the contract, to issue certificates as hereinbefore provided for, based upon the assessment aforesaid, to the contractor, and to certify the balance due under such contract, over and above the aggregate amount of such certificates, to the common council, to be audited and paid in the same manner as other claims on contract against the city.

Water service pipes.

SECTION 14. Whenever the common council shall order the paving or repairing of any street in which water mains and sewers, or either of them, shall have been previously laid and constructed, they may also, by resolution, require the street commissioner, or other officer by them designated, to cause water service pipes and house drains to be first laid in such street, at the cost of the property fronting on such street, from the

main sewer and water mains in such street to the curb line on either side of such street, at intervals not less than twenty feet along the whole length of such paved street, except at street and alley crossings, and the said street commissioner or other officer or officers designated as aforesaid, shall thereupon give notice to the owners or occupants of the property adjoining such street to be paved, by publication thereof for six days in the official paper, requiring them to do such work opposite their respective lots, according to a plan and specification to be before prepared and on file in the office of the city clerk, showing the location and size, and the kind and quality of materials of such lateral sewers or drains and water service pipe, and if such owners or occupants shall refuse or neglect to do the same, then, before the paving of said street so ordered, and after the expiration of ten days from the last publication of such notice, the said work may be let by contract in the usual manner of letting contracts for street work, and the expense thereof assessed and charged to the several lots and parts of lots fronting upon such work, and certificates therefor issued to the contractor in the same manner and with the same force and effect as in the case of other street improvements.

Private drains and sewers.

SECTION 15. The common council may by ordinance or resolution require proper drains and sewers to be constructed from every lot in said city, which in their judgment requires it, and provide that such private drains and sewers shall communicate with the public sewers in a proper manner, and may also prescribe the location, grade, arrangement, form and materials of the same; the cost of such private drains or sewers shall in all cases be chargeable to the lots or parts of lots to which they are connected, and the contractor for doing such work shall receive upon the completion thereof a certificate or certificates against such lot or lots, which shall be proceeded with in the same manner, and shall have the like effect as other certificates given for work chargeable to lots: *provided*, that no contract shall be let for the construction of any such private drain or sewer so ordered, until after a plan and specification of the location, arrangement, form, materials, construction and manner of connection with the public sewers, together with estimate of cost, shall have been prepared and filed for inspection in the office of the city clerk and until six days' notice shall have been given in the official paper to the lot owners to construct the same, which said notice shall designate a reasonable time for the completion of the work.

SECTION 16. Any person who may have taken such contract to construct a private drain or sewer from any lot, shall be authorized to enter upon such lot and construct thereon such drain or sewer, and shall have free ingress and egress upon the same with men and teams for that purpose, and to deposit all the necessary building materials, and generally to do and perform all things necessary to a complete execution of the work. Privilege of ingress and egress.

SECTION 17. No private drain shall be connected with any public sewer without a permit from the common council or some officer or board charged with the supervision of the sewers; and there shall be paid for such permit into the general fund of the city by the owner of any lot from which a private drain is led into a public sewer, an amount to be fixed under direction of the common council proportioned to the size of such private drain, but not less than two and a half nor more than five dollars for every drain from any lot or parcel of a lot; and in case such amount is not paid it shall be a lien upon such lot, and shall be collected as other taxes on real estate are collected: *provided*, that no charge shall be made for the permit herein referred to when the connection for which it is used is made before the sewer is finished in front of the premises to be connected. Permits.

SECTION 18. No person shall break open or make connections with any public sewer except by the consent and under the direction of the street commissioner or other officer or board charged by the common council with that duty, and any person who shall do so or who shall willfully or maliciously obstruct, damage or injure any public or private sewer or drain in said city, or willfully injure any of the materials employed or used in said city for the purposes of sewerage may be prosecuted and punished therefor by such penalties of fine and imprisonment as the common council may by ordinance provide. Connections.

SECTION 19. Nothing contained in sections one, two, three and four of this act shall be deemed to make it obligatory upon the common council to divide the said city into separate sewerage districts, but said common council may, in its discretion, treat the whole city as one sewerage district, and may make and establish one general plan of sewerage for the whole thereof, substantially in the manner pointed out in sections two, three and four of this act. Division not obligatory.

SECTION 28. This act shall take effect and be in full force from and after its passage and publication.

Approved March 20, 1878.

[No. 312, A.] [Published April 9, 1878.]

CHAPTER 315.

AN ACT to authorize the incorporation of street railway companies.

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

Articles of association.

SECTION 1. Any number of persons not less than three, who shall desire to associate for the purpose of constructing, maintaining and operating a street railroad in any city or village, may, for that purpose, make and sign articles of association in which shall be stated the name of the company, the line of the road as contemplated to be constructed or operated, the amount of the capital stock of such company, and the number of shares into which it shall be divided, the names and the places of residence of the directors of the company who shall manage its affairs for the first year and until others shall be chosen in their places, and the number of such directors shall not be less than three nor more than nine. Each subscriber shall subscribe thereto his name, place of residence, and the number of shares he agrees to take. Such articles of association may then be filed in the office of the secretary of state, who shall indorse thereon the date of filing, and shall record the same.

Patent.

SECTION 2. Upon the filing of such articles of association, the governor and secretary of state shall issue to the subscribers a patent under the great seal of the state, signed by the governor and countersigned by the secretary of state, substantially in the following form: To all whom these presents shall come, greeting: Whereas [naming the persons subscribing the articles of association], have filed in the office of the secretary of state certain articles or association, with a view to forming a corporation to be known as [here insert name], with a capital of [here insert amount], for the purpose of constructing and [or] maintaining and operating a street railway in the —— of ——, and have complied with the statutes in such case made and provided; therefore, the state of Wisconsin hereby grants unto the above named persons, and their successors and assigns, full authority, by and under their said name of ——, to exercise the powers and privileges of a corporation for the purpose above stated, and in accordance with their said articles of association, and the laws of this state.

In witness whereof these presents have been attested with the great seal and signed by the governor and countersigned by the secretary of state of the state of Wisconsin, at Madison, the — day of —, in the year one thousand eight hundred and —.

[L. S.] ——, Governor.

——, Secretary of State.

SECTION 3. From the issuing of such patent the parties therein named shall, with their successors and assigns, constitute a body politic and corporate, under the name so adopted, and with the powers and subject to the limitations provided in this act. Incorporated.

SECTION 4. Such corporation may sue and be sued, may have a common seal and alter the same at pleasure; may elect in such manner as they shall determine, all necessary officers; may fix their compensation, and define their duties; may ordain and establish by-laws, and alter and repeal the same; may employ such agents, servants and laborers as they shall think proper, and may acquire and hold in fee, or otherwise, such property, real or personal, as shall be necessary in executing the purposes of such corporation. Corporate powers.

SECTION 5. After the issuing of such patent, any two of the corporators may call a first meeting of the corporators, by giving five days' notice to each corporator of the time and place of such meeting: *provided*, that such notice may be dispensed with, if all the corporators shall be present at the first meeting, either in person or by attorney. Until a board of directors shall be elected, the persons named in the patent shall be directors of the corporation. First meeting.

SECTION 6. The stock, property, affairs and business of such corporation shall be under the care of, and shall be managed by not less than three directors, who shall be chosen by the stockholders annually. But their term of office may be fixed at three years, in which case one-third of the number shall be annually elected. Each stockholder shall have one vote for each share of stock owned by him; and each director shall continue in office until his successor shall be elected. In case of the death, resignation or other disability of any director, the vacancy so created shall be filled by the remaining directors. Directors.

SECTION 7. The directors shall choose one of their number president, and he and the other officers shall hold their offices one year, and until their successors shall be elected. President.

SECTION 8. The corporation shall not be dissolved Not dissolved by failure.

by any failure to elect directors at the annual meeting, but such election may be held at any time thereafter, by giving such notice as may be required by the by-laws.

By-laws.

SECTION 9. The stockholders may enact such by-laws for the control of the board of directors as they shall see fit, and may alter and repeal the same at pleasure. Stockholders may appear and vote in person, or by proxy filed with the secretary of the company. A majority of the directors shall constitute a quorum for the transaction of business. Any director or stockholder, upon request of holders of one-fourth of the stock, may call a meeting of the stockholders by giving them ten days' notice of the time and place of such meeting, in such manner as the by-laws may provide.

Subscriptions.

SECTION 10. The directors may call in the subscriptions to the capital stock of such corporation by installments, in such proportion and at such times as they shall think proper, and may enforce payment thereof, after such period of time as the by-laws may prescribe, by suit, in the name of the corporation, or by forfeiting the stock on which such installments shall be payable, after sixty days' notice of such intended forfeiture to such delinquent subscriber.

Convey, etc.

SECTION 11. Such corporation may sell, convey, assign, mortgage or otherwise transfer its property, real and personal.

Increase of capital stock.

SECTION 12. Such corporation may, at any meeting of its stockholders, called for that purpose, and notified thereof, and with the concurrence of the owners of two-thirds of all the stock then outstanding, by amending its articles of association, increase the amount of its capital stock, change its name, extend or change the line of its road, or shorten the same. It shall be the duty of the president and secretary of such corporation to make a certificate, over their signatures and the corporate seal, fully setting forth such amendment, and the vote by which it is adopted, and to cause such certificate to be filed and recorded in the office of secretary of state, and thereupon it shall be the duty of the governor and the secretary of state, if it appear from such certificate that the requirements of this section have been complied with, to issue to such corporation a new patent, substantially in the form hereinabove prescribed, containing such amendment, and referring to the articles so amended. Upon the issuing of such new patent, the corporation shall be authorized to exercise all the rights and powers comprised within the articles of association thus amended.

SECTION 13. Any municipal corporation within this state is hereby authorized to grant such use as it shall deem proper of any street or streets within its limits, subject to the rights of any owner or owners of lots or lands adjoining or abutting thereon, to any street railway company, organized under the laws of this state, for the purpose of establishing and maintaining a single or double track of iron rail, and running cars thereon, along and upon such streets. Such grant may include the right to lay and maintain in, along and upon any such street or streets, a single or double track, with all necessary curves, turnouts and switches, in the customary style of constructing street railways of the first class, and to equip the same with any number of passenger cars or vehicles, such grant to be made by the common council of such municipal corporation upon such terms and conditions as it may impose, and with such provisions as may be necessary reasonably to secure the objects of such grant. Such cars shall be propelled by animal power, except in cases when the municipal corporation shall expressly grant the right to use steam as a motive power.

Use of streets authorized.

Motive power.

SECTION 14. Any street railroad company, which has been organized under any law of this state or which may be organized under this act for the purpose of constructing a street railroad within the limits of any municipal corporation, is hereby authorized to construct, maintain and operate such road according to the terms and conditions of the authority which has been or may hereafter be granted to it by such municipal corporation, and is hereby authorized to extend such railroad to any point or points adjoining such municipal corporation, and to enable any such street railroad company to construct and extend its road into a town adjoining such municipal corporation; such street railway company is hereby authorized, with the consent of a majority of the supervisors of such town, to lay down and maintain the track of its railway in such adjoining town; but such railway company shall construct such railroad in such manner as not to obstruct the common travel of the public over the same.

Extensions authorized.

SECTION 15. Any street railroad company which may be constructed under the provisions of this act shall be constructed upon the most approved plan for the construction of city railroads, and shall be run as often as the convenience of passengers shall require, with due reference to the pecuniary profits of carrying them, and shall be subject to such reasonable rules and regula-

How constructed.

tions in respect thereto, as the common council of the city in which such railroad shall be constructed may from time to time, by ordinances, prescribe, and to the payment of such license fee to the city in which such road may be constructed, for each and every car run thereon, as may be prescribed by the common council of such city.

Legalized.

SECTION 16. Any grant or grants heretofore made by any municipal corporation (and not yet repealed or rescinded) or which may be hereafter made, of the use of any street or streets therein, to any street railroad company hereafter organized, or which may be hereafter organized, for the purpose of constructing or maintaining and operating a street railroad, are hereby declared valid and binding upon such municipal corporation, and all obligations imposed by the terms of such grant or grants upon any such street railway company, or by them assumed as a condition, or in consideration of such grant or grants, shall, if such grant or grants be accepted by such company, be, in like manner, fully binding upon such company.

Privileges and powers.

SECTION 17. Any company heretofore incorporated under any law of this state, for the purpose of constructing or maintaining and operating a street railroad, shall be entitled to all the privileges and powers conferred by this act upon such corporation.

SECTION 18. This act shall be in force from and after its passage and publication.

Approved March 20, 1878.

[No. 291, A.] [Published April 6, 1878.]

CHAPTER 316.

AN ACT to define the liabilities of railroad companies in relation to wages due their employes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Accrued wages of laborers to be paid.

SECTION 1. Whenever any railway company in this state shall be placed by any court of this state in the hands of a receiver, whether upon foreclosure or creditors' bill, it shall be the duty of such receiver to report immediately, to the court so appointing him, the amount due by said railroad company, or by the person or persons who were operating said road at the

date of such receiver's appointment, to employes and laborers upon said road, and it shall be the duty of said court to order the said receiver to pay out of the first receipts and earnings of said railway after paying current operating expenses under his administration, the wages of all employes and laborers which had accrued within six months prior to the appointment of such receiver.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 20, 1878.

[No. 40, A.] [Published March 30, 1878.]

CHAPTER 317.

AN ACT relating to the elective franchise, and amendatory of chapter two hundred and sixty-four of the laws of Wisconsin for 1877.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The mayor of every incorporated city and the president of every incorporated village in this state, except in the cases hereinafter mentioned, shall present to the common council of such city, or the board of trustees of such village, at their first regular meeting in September of each year, and in case such common council or board of trustees hold no regular meeting during September, then at a special meeting of such common council or board of trustees, which shall be held the last Tuesday in September of each year, the names of three persons for inspectors of elections, and the names of two persons for clerks of elections, for each election precinct in said city or village. Such inspectors shall be electors in the ward for which they shall be appointed inspectors; shall be able to read and write the English language understandingly; shall not be candidates to be voted for at any election for which they may be appointed inspectors; and not more than two of such inspectors shall belong to the same political party. Such clerks shall be electors in wards for which they shall be appointed clerks; shall be able to read and write the English language understandingly; shall not be candidates to be voted for at any election for which they may be appointed clerks, and shall be of opposing political parties. Such com- Inspectors.

tions in respect thereto, as the common council of the city in which such railroad shall be constructed may from time to time, by ordinances, prescribe, and to the payment of such license fee to the city in which such road may be constructed, for each and every car run thereon, as may be prescribed by the common council of such city.

Legalized.

SECTION 16. Any grant or grants heretofore made by any municipal corporation (and not yet repealed or rescinded) or which may be hereafter made, of the use of any street or streets therein, to any street railroad company hereafter organized, or which may be hereafter organized, for the purpose of constructing or maintaining and operating a street railroad, are hereby declared valid and binding upon such municipal corporation, and all obligations imposed by the terms of such grant or grants upon any such street railway company, or by them assumed as a condition, or in consideration of such grant or grants, shall, if such grant or grants be accepted by such company, be, in like manner, fully binding upon such company.

Privileges and powers.

SECTION 17. Any company heretofore incorporated under any law of this state, for the purpose of constructing or maintaining and operating a street railroad, shall be entitled to all the privileges and powers conferred by this act upon such corporation.

SECTION 18. This act shall be in force from and after its passage and publication.

Approved March 20, 1878.

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SECTION 1. Whenever any railway company in this state shall be placed by any court of this state in the hands of a receiver, whether upon foreclosure or creditors' bill, it shall be the duty of such receiver to report immediately, to the court so appointing him, the amount due by said railroad company, or by the person or persons who were operating said road at the

date of such receiver's appointment, to employes and laborers upon said road, and it shall be the duty of said court to order the said receiver to pay out of the first receipts and earnings of said railway after paying current operating expenses under his administration, the wages of all employes and laborers which had accrued within six months prior to the appointment of such receiver.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 20, 1878.

[No. 46, A.] [Published March 30, 1878.]

CHAPTER 317.

AN ACT relating to the elective franchise, and amendatory of chapter two hundred and sixty-four of the laws of Wisconsin for 1877.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The mayor of every incorporated city and the president of every incorporated village in this state, except in the cases hereinafter mentioned, shall present to the common council of such city, or the board of trustees of such village, at their first regular meeting in September of each year, and in case such common council or board of trustees hold no regular meeting during September, then at a special meeting of such common council or board of trustees, which shall be held the last Tuesday in September of each year, the names of three persons for inspectors of elections, and the names of two persons for clerks of elections, for each election precinct in said city or village. Such inspectors shall be electors in the ward for which they shall be appointed inspectors; shall be able to read and write the English language understandingly; shall not be candidates to be voted for at any election for which they may be appointed inspectors; and not more than two of such inspectors shall belong to the same political party. Such clerks shall be electors in wards for which they shall be appointed clerks; shall be able to read and write the English language understandingly; shall not be candidates to be voted for at any election for which they may be appointed clerks, and shall be of opposing political parties. Such com- Inspectors.

mon council or board of trustees, upon presentation of such nominations for inspectors and clerks of elections, shall immediately proceed to approve or disapprove of the same, and in case a majority of said common council or board of trustees shall disapprove of any person so nominated, the mayor or president shall then and there nominate another person for such position, and shall so continue to do until the said board of three inspectors and two clerks for each election precinct in said city or village shall have been nominated and confirmed; and such nominations and confirmations shall be made and concluded on the day aforesaid, and when so made and concluded, such board of inspectors and clerks shall possess the qualifications and be composed of persons known to belong to the different political parties as hereinbefore provided. The persons so appointed inspectors and clerks of elections shall hold their positions during one year; they shall act as inspectors and clerks at every general, municipal or special election held within their precinct during such time; they shall receive such compensation for their services, and be liable to such penalties for any violation of their duties as is provided by-law for inspectors and clerks of election in other cases. Such board of inspectors shall have power to fill any vacancy in their number or in the number of the clerks, but the person so appointed to fill a vacancy shall be of the same political party, and possess the same qualifications as the person he succeeds. In all incorporated cities or villages in this state, which are joined to towns for state and county purposes, the inspectors of elections appointed by law in such towns, cities or villages, shall in addition to the general duties imposed upon them as such inspectors, discharge the further duties imposed upon the inspectors of elections by this act.

Board of registry.

SECTION 2. The persons authorized by law to act as inspectors of elections in any ward or election precinct in any incorporated city or village, or in any town in which is situated any incorporated city or village in this state, shall constitute a board of registry for their respective towns, wards, precincts or villages, and their duties as such boards of registry shall be as follows, viz: To make, at such time and in such manner as hereinafter prescribed, a list of all the persons qualified and entitled to vote at the then ensuing election, in the election district of which they are inspectors. The said inspectors shall have their first meeting on Tuesday, four weeks preceding each general election, at the place

Duties of board of registry.

where said election is to be held; and in election districts at which there were polled at the previous general election three hundred votes or less, they shall sit for one day; and in districts at which there were more than three hundred votes polled, they shall have power to sit two days, if necessary, for the purpose of making such list. They shall meet at nine o'clock in the forenoon and hold their meetings open until eight o'clock in the evening of each day during which they shall so sit. The clerks appointed by law to act as clerks of election, shall act as clerks of the board of registry on the day of election only.

SECTION 3. Said registers shall each contain a list of the persons so qualified and entitled to vote in said election district, alphabetically arranged according to their respective surnames, so as to show in one column the name at full length, and in another column, in cities and incorporated villages, the residence by the number of the dwelling, if there be a number, and the name of the street or other location of the dwelling if there be a number, and the name of the street or other location of the dwelling place of each person. If the elector's residence is at a hotel or public boarding house, the name of the hotel or boarding house shall be stated on the registry. It shall be the duty of said inspectors to enter in said lists the names of all persons residing in their election districts, whose names appear on the poll list kept in said district at the last preceding general election, and in cities or incorporated villages the number of the dwelling and name of street or other location, if the same shall be known to or can be ascertained by such inspectors; and for this purpose said inspectors are authorized to take from the office in which they are filed the poll lists made and filed by the inspectors of such district at the general election held next prior to the making of such register. In making said list the board shall enter thereon, in addition to the names on the poll list, the names of all other persons who are well known to them to be electors in said district; and the names of all persons on said poll list who have died or removed from the district shall be omitted from said register. The said inspectors shall complete, as far as practicable, the said register, at their first meeting as aforesaid, and shall make four copies thereof, and shall certify the register and each of the copies to be a true list of the voters in their district, so far as the same are known to them. Within two days thereafter, the said original list, together with

Registry lists.

the poll list taken from the office as aforesaid, shall be filed by the inspectors in the office of the town clerk of the town in which such election districts may be; or if such election district be a village, then they shall be filed in the office of the village clerk; or if such election district is in a city, then they shall be filed in the office of the city clerk of said city; and one copy of said list shall be kept by each of said inspectors, and carefully preserved by him, for their use on the day or days hereinafter mentioned for the revision and correction of the same. One copy of said list shall, immediately after its completion, be posted in some conspicuous place in the room in which such meeting shall be held, and be accessible to any elector who may desire to examine the same or make copies thereof. The inspectors shall cause, in addition, ten printed copies of said list to be posted up in ten of the different and most public places within such election district.

In case of new district.

SECTION 4. In case a new election district shall be formed by the division of any ward, or the incorporation of a city or village, the inspectors of election in the new district thus formed, may make their registry of electors on the days prescribed by this act, in such manner as a majority of the inspectors may direct; and for that purpose may make a list or cause to be made a certified copy of the poll list or lists of the district or districts in which such new district is situated; or they may dispense with such list or lists, and proceed to make a register of electors from the best means at their command. Said list shall only embrace the names of such persons as are known to them to be electors in their district, and shall be posted up and copies thereof made as prescribed in the preceding section, and shall be corrected in the same manner that other lists are corrected.

Meetings of board to make corrections.

SECTION 5. The said board shall meet on Tuesday, two weeks preceding the election, in their respective election districts, at the place designated for holding the polls of election for the purpose of revising, correcting, and completing said lists; and for this purpose they shall meet at nine o'clock in the forenoon. In case such election district contains less than three hundred voters, as shown by the preliminary registry, the board shall complete its registry on the same day; but in case there are more than three hundred names on the list, they shall sit for two days. The board shall remain in session until eight o'clock P. M.

Meetings to be open.

SECTION 6. The proceedings of said board shall be

open, and all persons residing and entitled to vote in said district shall be entitled to be heard by said inspectors in relation to corrections or additions to said register; one of the lists so kept by inspectors as aforesaid, shall be used by them on the days of making corrections or additions, for the purpose of completing the registry for said district.

Duties of board in premises.

SECTION 7. It shall be the duty of said inspectors at their meeting for revising and correcting said lists, to erase therefrom the name of any person inserted therein, who shall be proved by the oath of two legal voters of said district, to the satisfaction of said inspectors, to be a non-resident of said district or otherwise not entitled to vote in said district at the election then next to be held. Any elector residing in said district and entitled to vote therein, may appear before said board of inspectors and require his name to be recorded on said alphabetical list. Any person so requiring his name to be entered on said list shall make the same statement as to the street and number thereof, and where he resides, required by the provisions of this act of persons offering their votes at the election, and shall be subject to the same penalties for refusing to give such information, or for falsely giving the same, and shall also be subject to challenge either by the inspectors, or either of them, or by any other elector whose name appears on said alphabetical list, and the same oaths may be administered by the inspectors as now provided against persons offering to vote at an election; and in case no challenge is made of any person requiring his name to be entered on said alphabetical list, or, in case of challenge, if such person shall make an oath that would entitle him to vote in case of challenge at an election, then the name of any such person shall be added to the alphabetical poll list of the last preceding year. Any person who is not twenty-one years of age on either of these days when the register is completed, but will be if he should live until the day of election, may have his name put on said register, provided he is otherwise qualified to be an elector.

Completion of lists.

SECTION 8. After said lists shall be fully completed, upon the days before mentioned, no names shall be added thereto by any person or upon any pretext, and the said inspectors shall, within three days thereafter, cause four copies of the same to be made, each of which shall be certified by them to be a correct list of voters of their district, one of which shall be filed in the office of the town clerk of towns, in the office

of the village clerk of villages, and in the office of the city clerk in cities, and one of which copies shall be delivered to each of said inspectors. Said inspectors shall give notice by public advertisement in a newspaper printed in the city or village where such registration was made, of the registry, and shall include in such notice all additions to and omissions from the preliminary list and shall also state where the election is to be held. In case there be no newspaper printed in such city or village, the notice required by this section shall be given by posting notices in three or more public places in each ward of the city or village. The publishers making the publication required by this section shall be entitled to the same compensation per folio for making such publication as is prescribed for publishing other legal notices. It shall be the duty of said inspectors so receiving such completed lists as aforesaid, carefully to preserve the said lists for their use on election day, and to designate two of their number at the opening of the polls to check the name of every voter voting in such district whose name is on the register. No vote shall be received at any general election in this state unless the name of the person offering to vote be on the said register as completed on Tuesday, two weeks preceding the election, and Wednesday, the day following, as provided in section five of this act, except as herein provided. In case any one shall, after the last day for completing said register, and before such election, become a qualified voter of the election district, he shall have the same right to vote therein at such election as he would have had if his name had been duly registered in such register: *provided*, he shall, before or at the time he offered to vote, deliver to the inspectors his own affidavit, in which he shall state the facts showing that he has, since the completion of said register, become a qualified elector of such district, and the facts showing that he was not such an elector on the day said register was completed, and he shall also deliver to such inspectors with his own affidavit the affidavits of two freeholders of such election district, corroborating in detail the material statements in his own affidavit. In case any person who was a voter at the last previous general election shall not be registered, such person shall be entitled to vote on making affidavit that he was entitled to vote at the previous election, and that he has not become disqualified by reason of removal from the election district or otherwise, since that election, which affidavit shall also

be corroborated by the affidavits of two freeholders, as is provided for other non-registered voters. No one freeholder shall be competent to make at any one election corroborating affidavits for more than three voters. All of said affidavits shall be sworn to before some officer authorized by the laws of Wisconsin to take depositions. The inspectors shall keep a list of the names and residences of the electors voting whose names are not on said completed register, and attach such list to the register, and return it, together with the affidavits aforesaid, to the town, village or city clerk's office in which such election district may be. Any person whose name is on the register may be challenged, and the same oaths shall be put as are now, or hereafter may be, prescribed by law.

Duty of clerks.

SECTION 9. The clerks at each poll, in addition to the duties now prescribed by law, shall enter on the list kept by them, in columns prepared for that purpose, opposite the name of each person voting, the same statement or minute as hereinbefore required of inspectors making the registry. Every elector at the time of offering his vote shall truly state the street in which he resides, and if the house, lodging or tenement in which he resides is numbered, the number thereof, and the clerk of the polls shall truly enter in the appropriate column of the poll list, opposite the name of the elector, the street in which the elector resides and the number in case the house, lodging or tenement is numbered, and if the same is not numbered then the clerk shall enter "not numbered" in the column of the poll list for entering the number. In case of refusal to make the statement as aforesaid, the vote of said electors shall not be received. Any person who shall willfully make any false statement in relation thereto, shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished with a fine of fifty dollars, or by imprisonment in the county jail of the county a period of ten days, or by both such fine and imprisonment.

Returns.

SECTION 10. After the canvass of the votes, one of said poll lists and said registers, so kept and checked as aforesaid, shall be attached together, and shall, on the following day, be filed in the town, village or city clerk's office (as the case may be), in which said district may be, to be used by the inspectors in making the lists of voters at the next general election. The other of said poll lists and registers so kept and checked shall be returned to the office of the county clerk of the county in which such district may be, at the same time the returns of the election are made.

Registers to be open to inspection.

SECTION 11. The registers shall at all times be open to public inspection, at the office of the authorities in which they shall be deposited, without charge.

Compensation.

SECTION 12. The members of the board of registration and their clerks shall each receive the same compensation as is now allowed by law for inspectors of election for each day actually employed in the making and completion of the registry, to be paid to them at the time and in the manner in which they are paid their other fees.

Preservation of order.

SECTION 13. The said board shall have and exercise the same power for preserving order at their meetings, under this act, as is given to inspectors of election for preserving order on election days.

Penalty for illegal registering and voting.

SECTION 14. Any person who shall cause his name to be registered in more than one election district, or who shall cause his name to be registered, knowing that he is not a qualified voter in the district where such registry is made, or who shall falsely personate any registered voter, and any person causing, aiding or abetting any person in any manner in either of said acts, shall be punished for each and every offense by imprisonment in the state prison for not less than one year. All false swearing before said board of registration, or in a written application to be registered, or in making affidavits required by this act, shall be deemed willful and corrupt perjury, and, on conviction, punished as such. If any member or officer of said board shall willfully violate any of the provisions of this act, or be guilty of any fraud in the execution of the duties of his office, he shall be punished for each and every offense by imprisonment in the state prison for not less than one year.

Application for registration.

SECTION 15. Any elector who did not vote at the previous general election shall be entitled to be registered either at the preliminary or final registration of electors, by appearing before the board of registration of his election district and establishing his right to be registered, or instead of a personal appearance, he may make his application to be registered to the board in writing. Such application shall state the name, age, and period of continuous residence in the election district, and place of residence therein (giving the number and street of the applicant), and in case the person making the application is of foreign birth, he shall state when he came to the United States and to the state of Wisconsin, and the time and place of declaring his intention to become a citizen of the United States, and that he

is entitled to vote at the election. Upon receiving such application the board of registration shall register the name of such applicant, if it appears to the board that the applicant is by his statement entitled to vote. Such statement shall be made under oath and shall be preserved by the board and be filed in the office of the village or city clerk as the case may be. All city and village clerks shall keep blanks for making the application for registration as provided by this section. The form shall be prescribed by the secretary of state.

Distribution of law.

SECTION 16. The secretary of state shall cause this law to be printed in pamphlet form with suitable forms and instructions for carrying it into effect, together with the general election law of the state, and a sufficient number of copies thereof sent to each clerk of the board supervisors in every county in this state to supply each of the officers named in this act with a copy; and it shall be the duty of each of said clerks immediately to transmit a copy of the same to each of the inspectors in his county.

Blanks.

SECTION 17. The necessary blanks for making the registers required by this law shall be prepared by the secretary of state, and transmitted to the persons entitled to receive them, in the same manner that blank returns of elections are now transmitted.

Limitations.

SECTION 18. The provisions of this act shall not apply to villages or the towns in which they are situated, which had at the last census a population of less than fifteen hundred inhabitants, or to cities which had a population of less than thirty hundred inhabitants at the last census: *provided, however*, that inspectors and clerks of election shall be appointed as provided for in section one of this act.

Repeal and construction.

SECTION 19. Chapter two hundred and sixty-four of the laws of Wisconsin for 1877, is hereby repealed, and section one of this act shall be taken and held to be an amendment in respect to the matters contained therein of every city and village charter in this state.

SECTION 20. This act shall take effect and be in force from and after its passage and publication.

Approved March 20, 1878.

[No. 488, A.] [Published April 2, 1878.]

CHAPTER 318.

AN ACT to authorize Frederick G. Stanley, Emory D. Stanley, Charles A. Stanley and Bert E. Reid, to erect and maintain a dam or dams across Court Oreille river in the county of Chippewa, state of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Construction of dam authorized

SECTION 1. Frederick G. Stanley, Emory D. Stanley, Charles A. Stanley and Bert E. Reid, their heirs and assigns, are hereby authorized to erect and maintain a sufficient number of dams across the Court Oreille river, in Chippewa county, Wisconsin, at such points, provided that no flooding dam shall be placed south of the north line of township number thirty-eight (38), of range eight (8) west, upon said river, as may be necessary for the purpose of facilitating the running and driving of logs and timber to and down the Chippewa river.

Slides and gates

SECTION 2. The said Frederick G. Stanley, Emory D. Stanley, Charles A. Stanley and Bert E. Reid, their heirs and assigns, shall maintain and keep in repair suitable slides and gates in either or all of said dams for flooding purposes and for the purpose of sluicing and driving logs and timber over, through and beyond either or all of said dams into and down the Chippewa river, and shall keep the same in repair and shall hold the water back for the above named purpose whenever the case may require, and for that purpose said gates shall be closed.

Possession of logs.

SECTION 3. It shall be lawful for the said Frederick G. Stanley, Emory D. Stanley, Charles A. Stanley, and Bert E. Reid, their heirs and assigns, whenever they shall make a drive of logs in said Court Oreille river to take possession of all logs and timber actually put in said Court Oreille river or any of its tributaries to be floated down and not remaining in roll-ways, and also of logs in roll-ways or banks when and when only they shall obstruct the drive, and the owners or agents of which logs in either case shall not have made adequate provisions for driving the same by furnishing the necessary men, teams and tools, either for breaking such roll-ways as aforesaid at the proper time, or for making a through drive of such logs and timber out of

said river, and to drive the same down and out of said river or down said river to such point as the same shall be taken in charge of and driven by such owner or agents with the necessary men and tools, and shall be entitled to receive and collect for such service for all logs and timber driven out of said stream, the sum of twenty-five cents for each and every one thousand feet, board measure, and the amount of said logs and timber to be determined by or under the direction of the lumber inspector for that district, or by the mutual agreement of parties; and said Frederick G. Stanley, Emory D. Stanley, Charles A. Stanley and Bert E. Reid, their heirs and assigns, having so driven logs and timber down said river, may continue in possession of all such logs and timber so floated or driven out of said river until all charges for toll and driving the same may have been liquidated or paid.

Tolls.

SECTION 4. The said Frederick G. Stanley, Emory D. Stanley, Charles A. Stanley and Bert E. Reid, their heirs and assigns, are hereby authorized and empowered to receive and collect from the owners of all logs passing over said dams, slides, or through the gates, or driven by the aid of said dams, as a compensation for keeping up and maintaining such dams, the sum of eight cents per thousand feet, board measure, on all logs passing over said dams, slides, or through said gates: *provided*, that for all logs and timber put in below the east line of township number thirty-eight, range eight west, the toll shall be three cents, when the owner of said logs and timber drive the same themselves, and said logs and timber are not driven by said Frederick G. Stanley, Emory D. Stanley, Charles A. Stanley and Bert E. Reid, as provided in section three of this act; and the amount of logs or timber so driven by the owners thereof, shall be determined in the same manner as provided in section three of this act.

Liens.

SECTION 5. For any tolls or charges herein provided for and which shall remain due and unpaid, the said Frederick G. Stanley, Emory D. Stanley, Charles A. Stanley and Bert E. Reid, their heirs and assigns, whether they or the owners of said logs shall drive the same as herein provided for, they, the said Frederick G. Stanley, Emory D. Stanley, Charles A. Stanley and Bert E. Reid, shall have a lien on all logs run over said dams as aforesaid, or driven by the aid thereof, until the aforesaid charges shall be fully paid, which lien shall be enforced in the same manner in which other liens for labor and services upon logs are enforced in Chippewa county, Wisconsin.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 20, 1878.

[No. 428, A.] [Published April 9, 1878.]

CHAPTER 319.

AN ACT to legalize the acts of the West Alto Cemetery Association.

The people of the state of Wisconsin represented in senate and assembly, do enact as follows:

Legalized.

SECTION 1. The acts of a meeting of the members of the West Alto Cemetery Association, held December 8, 1877, for the election of officers, are hereby legalized.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 20, 1878.

[No. 380, A.] [Published April 6, 1878.]

CHAPTER 320.

AN ACT relating to the geological survey of the state of Wisconsin, and amendatory of chapter two hundred and ninety-two of the laws of Wisconsin for 1873, entitled An act to provide for a complete geological survey of Wisconsin, and to repeal chapter one hundred and thirty-seven of the general laws of 1870, entitled An act to provide for the survey of the lead district, making maps and collecting statistics from the same, and chapter one hundred and thirty-six of the general laws of 1872, amendatory thereof, and chapter thirty-six of the laws of Wisconsin for 1877, amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amendment of appropriation.

SECTION 1. Section six of chapter two hundred and ninety-two of the laws of Wisconsin for 1873, is hereby amended by striking out the words "thirteen thousand dollars for each year until the completion of said survey," where they occur in the second and third lines of the section, and inserting the words "five thousand dollars," so that the sentence shall read as follows: To carry into effect the provisions of this act,

the sum of five thousand dollars is hereby appropriated, to be drawn from the treasury on warrants of the governor, which shall be in full for all expenditures except printing of reports.

SECTION 2. Section seven is so amended as to read as follows: The survey shall be completed by March 31st, 1879, and all salaries shall cease on that date; but this act shall not debar the members of the geological corps from performing voluntarily the functions of their office, and of supervising the publication of their reports: *provided*, said reports are presented at the earliest practicable date: *and provided*, this clause shall not be construed as authorizing any claim to compensation for such voluntary service.

Amended.

Completion of survey.

SECTION 3. This act shall take effect and be in force from and after the thirty-first day of next May.

Approved March 20, 1878.

[No. 420, A.] [Published April 6, 1878.]

CHAPTER 321.

AN ACT to amend section three of chapter one hundred and eighty-seven of the revised statutes of the state of Wisconsin, entitled "Of persons generally and common jails," and to repeal chapter two hundred and thirty-six of the laws of Wisconsin for 1876, entitled "An act to amend section three of chapter one hundred and eighty-seven of the revised statutes of the state of Wisconsin, entitled "Of prisons generally and common jails."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section three of chapter one hundred and eighty-seven of the revised statutes of the state of Wisconsin is hereby amended so as to read as follows: Section 3. All charges for maintaining convicts who have been sentenced to confinement in the state prison, and the expense for maintaining persons charged with offenses and duly committed for trial, and of those who are confined in the county jail, or who may be committed for the non-payment of any fines and expenses for safe keeping, shall be paid out of the county treasury, the account of the keeper of such jail having been first allowed by the county board of county supervisors: *provided*, that such keeper shall be entitled to, and shall receive such compensation for maintaining persons in said jail as shall be allowed by the board of

Amended.

Cost of maintaining prisoners in certain cases.

supervisors of the proper county; and chapter two hundred and thirty-six of the laws of Wisconsin for 1876, entitled "An act to amend section three of chapter one hundred and eighty-seven of the revised statutes of the state of Wisconsin, entitled "Of prisons generally and common jails," is hereby repealed."

Repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 20, 1878.

[No. 330, A.] [Published April 9, 1878.]

CHAPTER 322.

AN ACT to amend section seven of chapter three hundred and fifteen of the private and local laws of 1869, entitled "An act to incorporate the Madison Relief Association."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section seven of chapter three hundred and fifteen of the private and local laws of 1869, is hereby amended so as to read as follows: Said association, in its corporate name, shall have power to enter into contract with any person who is or may hereafter become a member of said association, agreeing to pay upon the decease of such member, to any person in whose favor the application is made, or to any person in whose favor the insurance is assigned by the applicant, or to any person designated by the last will and testament of such deceased member, such sum or sums as shall be fixed by the by-laws of said association, and the board of directors, and each of them, shall be personally liable thereto to the amount of the money or assets remaining unexpended in the treasury, and they shall not be otherwise personally liable.

Payment of relief.

Liability of directors.

SECTION 2. This act shall take effect and be in force from and after it passage and publication.

Approved March 20, 1878.

[No. 322, A.] [Published March 29, 1878.]

CHAPTER 323.

AN ACT to authorize the Red Wing and Trenton Transit Company to transact business in the state of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The Red Wing and Trenton Transit Company, a corporation organized and existing under the laws of Minnesota, is hereby authorized to transact business in this state pursuant to the articles of association: *provided*, that the said corporation shall, before acting under the license hereby given, file with the secretary of state of this state a certified copy of its said articles of association. **Authorized to transact business.**

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 20, 1878.

[No. 412, A.] [Published April 6, 1878.

CHAPTER 324.

AN ACT to provide for a state park in the state of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All lands belonging to the state of Wisconsin, lying in townships forty (40), forty-one (41), forty-two (42), forty-three (43), and forty-four (44) north, of ranges four (4), five (5), six (6), seven (7), and eight (8) east of the fourth principal meridian, in the state of Wisconsin, are hereby dedicated and set apart for a state park, and no such lands not now sold or contracted to be sold shall hereafter be sold, nor shall any privilege, license or authority be given to any person or persons whomsoever, to cut down or destroy any timber growing on such lands. **Lands set apart.**

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 20, 1878.

[No. 321, A.] [Published March 29, 1878.]

CHAPTER 325.

AN ACT to authorize the Red Wing and Trenton Transit Company to erect a bridge across the east channel or slough of the Mississippi river, in the town of Trenton, county of Pierce and state of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Construction of bridge authorized.

SECTION 1. William P. Brown, C. Cogel, T. B. Sheldon, and D. C. Hill, their associates and assigns, are hereby authorized to construct and maintain for twenty years from the passage hereof, a wagon bridge, with all necessary approaches thereto and protection thereof, across the east channel or slough of the Mississippi river, at a point which has been, or may be selected by them, in section three, township twenty-four, range eighteen, in the town of Trenton, county of Pierce and state of Wisconsin: *provided, however*, that such bridge shall be forever free to the traveling public, and no toll shall be exacted from any person desiring to travel over said bridge.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 20, 1878.

[No. 374, A.] [Published March 30, 1878.]

CHAPTER 326.

AN ACT to authorize the electors of the town of Madison, in Dane county, to hold elections in the fifth ward of the city of Madison.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Elections authorized to be held in city.

SECTION 1. At any annual meeting of the town of Madison, in Dane county, the electors of said town may by vote, by ballot or otherwise, determine to hold the elections, general, annual, special or judicial, of said town, at any place within the Fifth ward of the city of Madison, except at the place where the elections of said ward are held; and thereafter all elections shall be held at the place so designated, until the place of holding the same shall be changed in the manner provided

by law; and any election so held shall be as valid as if held within the limits of said town.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 20, 1878.

[No. 495, A.] [Published April 10, 1878.]

CHAPTER 327.

AN ACT relating to the corporate indebtedness of the city of Racine, and amendatory of chapter forty-two of the private and local laws of 1871.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section nine of chapter forty-two of the private and local laws of 1871, is hereby amended by striking out the words: "*provided*, the same may be at or below par," and, further, the words: "at equal rates below par," where they respectively occur; and section ten of the same chapter is hereby amended by striking out the words: "provided they are below par," where they occur. Amendment.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 20, 1878.

[No. 114, S.] [Published April 10, 1878.]

CHAPTER 328.

AN ACT to provide for amending the articles of association of railroad companies, in certain cases, and relating to fencing railroads.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Any railroad company organized under chapter one hundred and nineteen of the general laws of 1872, may, by resolution, to be entered in the record of its proceedings, and adopted by a vote of two-thirds of its directors at any regular meeting of the board of directors, or any special meeting thereof called for such Amendment of articles of association authorized.

purpose, amend its articles of association so as to provide for the building and construction of an entirely new line of road from that specified in its original articles of association, and from such other new point or points, and upon such other new routes and lines, and to such other point or points as may be specified in such amendment in lieu of the building thereof upon the line specified in the original articles of association, and the secretary of said company shall file a certified copy of such resolution and of the record of the proceedings of said directors, upon the adoption of said resolution, in the office of the secretary of state, and it shall thereupon be the duty of the governor, if it shall appear from such certified copy that the requirements of this section have been complied with, to issue to said company a new patent in the form prescribed by section one of said chapter one hundred and nineteen, reciting the filing of such amendment to said articles, and referring to such articles of association as amended; and said company shall thereupon be deemed to have abandoned the line or route mentioned in the original articles of association: *provided*, that said articles of association shall not be amended after any portion of said road shall have been built or constructed, nor after any municipal aid shall have been granted for the building of such railroad, upon the line specified in the original articles of association, except in cases and in the manner now provided by law: *and provided, also*, that municipal aid may be granted to any such company for the purpose of building and constructing said railroad in conformity with such amendment, and the said articles of associations as so amended, in the same manner and in all respects as the same might have been granted for the building and construction of said railroad upon the line designated in such original articles of association.

Fence required

SECTION 2. All the railroad companies in this state, whose roads have been in operation two years or more in carrying goods and passengers over the same or over any portion of such roads, are hereby required to fence the same, and to construct the necessary farm crossings and cattle guards wherever said roads or portions thereof have been so running through inclosed lands or through lands that may hereafter be inclosed. All fences four and one-half feet high and in good repair, consisting of rails, timber, boards, or stone walls, or any combination thereof, sufficient to protect the right

of way and track against the entry thereon of cattle and other animals shall be deemed legal and sufficient fences under the provisions of this act: *provided, however*, that this act shall not be construed to require the construction by railway companies of fences in places along their lines where by reason of the proximity of rivers, brooks, ponds, ditches, hills, embankments, or for any other cause, not necessary to fence in order to prevent cattle or other animals from straying or going upon the right of way or track: *and provided further*, that it shall be deemed a full compliance with this law if any railway company shall erect and maintain in any place where required by this act to erect fences, a barbed wire fence consisting of two barbed wires and one smooth wire, with at least forty barbs to the rod, the wire to be firmly fastened to posts not more than two rods apart with one stay between the posts, the top wire to be not more than fifty-two inches high, nor less than forty-eight, and the bottom wire not less than sixteen inches from the ground; or four smooth wires with posts not more than two rods apart, and with good stays not exceeding eight feet apart, the top wire to be not more than fifty-six inches high nor less than forty-eight, and the bottom wire not less than sixteen inches nor more than twenty inches from the ground.

Penalty for neglect.

SECTION 3. Any owner or occupant of such lands inclosed, or that may hereafter be inclosed, if the railroad company, whose tracks run through such lands, refuses or neglects to comply with the requirements of the preceding sections, may give notice in writing to such company to fence its roads so running through his premises, and to construct the necessary farm crossings and cattle guards thereon, and if such company, after being so notified, shall refuse or neglect, for the space of three months, to fence its road and to construct the necessary farm crossings and cattle-guards, it shall be liable to pay to the owner or occupant of such premises the sum of one hundred dollars for each and every month thereafter, so long as it shall continue to refuse or neglect to fence its said road and to construct said farm crossings and cattle guards as aforesaid: *provided*, that the time between the first day of November and the first day of May in any year shall be excluded from and not included in the three months as aforesaid.

Description of premises.

SECTION 4. The notice mentioned in the foregoing section shall be signed by the person owning or occupying the land, and shall contain a description of the

premises so owned or occupied, and may be served on the president, general manager, or superintendent of such road, or on any agent having charge of a station on such road, by leaving a copy thereof with any of said officers.

Possession sufficient to maintain action.

SECTION 5. Upon the trial of any action arising under this act against such railroad company, it shall not be necessary for the plaintiff to prove ownership of the land, but the proof of possession of the premises shall be deemed sufficient to entitle him to sustain such action.

Justices shall have jurisdiction.

SECTION 6. Every justice of the peace shall have concurrent jurisdiction with the circuit court of the county wherein such action may arise against any railroad company not complying with the provisions of this act.

Repealed.

SECTION 7. All acts and parts of acts contravening the provisions of this act are hereby repealed.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved March 20, 1878.

[No. 195, A.] [Published April 9, 1878.]

CHAPTER 329.

AN ACT to amend chapter one hundred and eighty-three of the laws of Wisconsin for 1874, entitled An act relating to the police court of the city of Eau Claire.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section ten of chapter one hundred and eighty-three of the laws of Wisconsin for 1874, is hereby amended so as to read as follows: Section 10. In case of the absence, sickness or other inability of said municipal judge, or in case of a vacancy in such office, until such inability shall cease, or vacancy shall be filled, it shall be the duty of the mayor, by warrant under the seal of said city, by and with the approval of the common council, to authorize a justice of the peace within said city to perform the duties of municipal judge, during the continuance of such vacancy; and the justice of the peace so authorized shall have all the powers and the same jurisdiction as are conferred upon the municipal judge by this act, and shall be entitled

Vacancy.

to the same fees for his services, during the time he shall fill such vacancy.

SECTION 2. Section eleven of chapter one hundred and eighty-three of the laws of Wisconsin for 1874, is hereby amended so as to read as follows: Section 11. The qualified electors of the city of Eau Claire shall, on the first Tuesday of April, A. D. 1878, and once in four years thereafter, elect a suitable person to the office of judge of said municipal court, to be called the municipal judge, who shall hold his office for the term of four years, and until his successor is duly elected and qualified, and the said judge shall, before entering upon the duties of his office, take and subscribe an oath to support the constitution of the United States and the state of Wisconsin, and to faithfully, honestly and impartially discharge the duties of his said office, which oath shall be filed in the office of the city clerk of the city of Eau Claire, and a duplicate oath in the office of the clerk of the circuit court of the county of Eau Claire, and shall execute a bond to the city of Eau Claire with such security and conditions as the common council of said city may direct and approve.

Amended.

Election and term of municipal judge.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 21, 1878.

[No. 440, A.] [Published April 9, 1878.]

CHAPTER 330.

AN ACT relating to and limiting the number of the officers and employes of the legislature.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Hereafter the officers of the legislature of this state shall be as follows: The officers of the senate, aside from the president *ex-officio* and president *pro tempore*, shall be one chief clerk, one assistant clerk, one book-keeper, one enrolling clerk, one engrossing clerk, one transcribing clerk, one clerk to the judiciary committee, one clerk to the committee on enrolled bills, one proof reader, one sergeant-at-arms, one assistant sergeant-at-arms, one postmaster, two assistant postmasters, four doorkeepers, one gallery attendant,

Officers of legislature.

who shall also act as committee room attendant, one document room attendant, one janitor, one porter, one night watchman, and eight messengers. The officers of the assembly, aside from the speaker, shall be one chief clerk, two assistant clerks, one book-keeper, one enrolling clerk, one engrossing clerk, one transcribing clerk, one proof reader, one clerk to the judiciary committee, one clerk to the committee on enrolled bills, one sergeant-at-arms, one assistant sergeant-at-arms, one postmaster, one assistant postmaster, one porter, one night watchman, four doorkeepers, two gallery attendants, one wash room attendant, and twelve messengers.

Copyists.

SECTION 2. The chief clerk of each house shall employ such additional copyists to assist in enrolling and engrossing bills as shall be necessary for the proper and expeditious transaction of the business of his house: but no such copyists shall be paid for time when they are not actually employed in copying, enrolling or engrossing bills.

Additional clerks.

SECTION 3. Additional clerks for committees may be employed upon extraordinary occasion therefor, but then only upon the order of the house to which the committee belongs; and any clerk so appointed shall not be employed after the exigency requiring his employment shall have passed.

Attendant in committee room.

SECTION 4. In case an attendant shall be needed in any committee room, it shall be the duty of the sergeant-at-arms to detail some messenger or other employe to act as such attendant.

Compensation of extra clerks.

SECTION 5. All extra clerks who may be employed by either branch of the legislature in engrossing bills shall be paid at the rate of fifteen cents per folio, for each folio correctly engrossed, and all clerks employed in either branch of the legislature, in enrolling bills, shall be paid at the rate of twenty cents per folio for each folio correctly enrolled.

SECTION 6. This act shall take effect and be in force from and after the first day of May, 1878.

Approved March 21, 1878.

[No. 392, A.] [Published April 10, 1878.]

CHAPTER 331.

AN ACT for the relief of the holders of street commissioners' certificates, issued by the street commissioners of the city of Oconto in 1875 and 1876.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. It is hereby made the duty of the treasurer of the city of Oconto, in Oconto county, in this state, to redeem and take up all certificates issued by the several boards of street commissioners of said city in 1875 and 1876, and pay the holders of said street commissioners' certificates, for such redemption, the face value of said street commissioners' certificates in tax certificates of said county, at the face value of said tax certificates. And for the purpose of more fully carrying out the purposes of this act, the holders of said street commissioners' certificates shall, within sixty days from and after the publication of this act, file with the treasurer of said city a list of the street commissioners' certificates owned by them, and a list of the tax certificates claimed by them in exchange for their said street commissioners' certificates, and the treasurer of said city shall immediately give, or cause to be given, to the county treasurer of said county, a certified copy of said lists, which certified lists shall be filed with the county treasurer of said county, within five days after filing the original thereof with said city treasurer, and the said county treasurer shall reserve, for the purpose of this act, said tax certificates so selected, and deliver the same to the said city treasurer for the use of the holders of said street commissioners' certificates for the purpose of fully carrying out the provisions of this act.

Redemption of certificates authorized.

How redeemed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1878.

[No. 58, A.] [Published April 9, 1878.]

CHAPTER 332.

AN ACT to protect laborers and material men in the city of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Liens.

SECTION 1. Any person, company or corporation, that shall furnish any supplies or materials, or that may do or perform any labor or services in the execution of any contract awarded by the board of public works of the city of Milwaukee, shall have a lien for the amount due for such supplies, labor or services, on the certificate or certificates, or city order or orders to be issued to the contractor or contractors, or his or their assigns, upon such contract: *provided, however,* such laborer or material man shall have filed in the office of the city clerk of said city, within twenty days after such claim or demand shall have accrued, a petition or statement in writing, under oath, by the petitioner, setting forth the nature of such claim or demand, the amount due, the name of the contractor, and the date and nature of his contract with said city.

Restriction of payments.

SECTION 2. No certificate or city order for an amount exceeding seventy-five per cent. shall be issued upon any contract with said city of Milwaukee, shall be delivered to such contractor, or assignee of such contractor, or upon his or their order, until after the expiration of twenty days upon the completion of such contract, and if within the time herein specified any petition or lien shall have been filed by any person, company or corporation, that shall have furnished supplies or materials, or that may have done or performed any labor or services in the execution of such contract, such certificate or city order shall be retained by the proper city officers until such debt, demand or claim shall be satisfied, and a proper receipt therefor filed with the city clerk.

Contracts hereafter made.

SECTION 3. All contracts hereafter made by the board of public works of said city shall refer to and be made subject to the provisions of this act.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1878.

[No. 375, A.] [Published April 6, 1878.]

CHAPTER 333.

AN ACT to authorize the granting of state certificates to graduates of the state university.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

State Superintendent authorized to countersign diploma.

SECTION 1. After any person has graduated at the state university, and after such graduation, has successfully taught a public school in this state for sixteen school months, the superintendent of public instruction shall have authority to countersign the diploma of such teacher after such examination as to moral character, learning, and ability to teach, as to said superintendent may seem proper and reasonable.

Privileges conferred by diplomas.

SECTION 2. Any person holding a diploma granted by the board of regents of the state university, certifying that the person holding the same is a graduate of the state university, shall, after his diploma has been countersigned by the state superintendent of public instruction as aforesaid, be deemed qualified to teach any of the public schools of this state, and such diploma shall be a certificate of such qualification until annulled by the superintendent of public instruction.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1878.

[No. 343, A.] [Published March 25, 1878.]

CHAPTER 334.

AN ACT in relation to the collection and re-assessment of taxes, and amendatory of section one, chapter two hundred and fifty, of the laws of Wisconsin for 1877, entitled "An act to amend section sixteen of chapter one hundred and thirty of the general laws of 1868, entitled, 'An act to provide for the re-assessment of property for taxes, and the levy of taxes thereon.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows.

Amended.

SECTION 1. Section one of chapter two hundred and fifty, of the laws of Wisconsin for 1877, entitled "An act to amend section sixteen of chapter one hundred

and thirty, of the general laws of 1868, entitled 'An act to provide for the assessment of property for taxes and the levy of taxes thereon,'" is hereby amended so that said section shall read as follows: Section 16. Real property shall be valued by the assessor either from actual view or from the best information that the assessor can practicably obtain at the full value which could ordinarily be obtained therefor at private sale. In determining the value the assessor shall consider, as to each piece, its advantage or disadvantage of location, quality of soil, quantity of standing timber, water privileges, mines, minerals, quarries, or other valuable deposits known to be available therein, and their value. Real property held under lease from any religious, scientific, literary or benevolent association, but otherwise exempt, shall be assessed to the lessee. The assessor, having fixed the value, shall enter the same opposite the proper tract or lot in the assessment roll. Property omitted from assessment in any of the three next previous years, by mistake or inadvertence, unless previously re-assessed for the same year or years, shall be entered once additionally for each previous year of such omission, designating each such additional entry as omitted for the year 18— (giving year of omission): *provided*, that this section shall not be construed as amending chapter two hundred and sixty-nine of the laws of Wisconsin for 1877, entitled "An act relating to iron ore and the assessment for taxation of lands containing iron ore."

Valuation of property.

Omission of certain duties not to invalidate assessment.

SECTION 2. No omission by any assessor to take or subscribe the oath required by law by him to be annexed to the assessment roll, no omission or neglect of any town treasurer, city marshal or other officer whose duty it is to collect taxes in any town, city or village within this state, to take, subscribe or annex an affidavit to his return of delinquent taxes to the county treasurer, no omission or failure of any school district clerk to deliver to the town clerk in which the district is situated, a verified statement, in writing, showing the amount of taxes voted to be raised at the last preceding annual meeting or special meeting of his district, or at any first meeting or special meeting of his district, together with a list of all persons and corporations liable to a school district tax therein, nor any error or informality in the proceedings of any of the officers in assessing property, levying or collecting taxes, or making return of unpaid taxes, unless such action, omission, error or informality shall affect the substantial justice of the tax it-

self, shall invalidate or in any wise affect the validity of the assessment or tax: *provided*, that nothing herein contained shall be held or construed as relieving such officer from the performance of any duty now required of him by law, nor from any penalty or liability now prescribed by law for neglect or failure to perform the same.

Actions to quiet title—how conducted.

SECTION 3. In all actions brought in any of the circuit courts of this state by tax title claimants to quiet title under the provisions of chapter twenty-two of the general laws of 1859, and of the several acts amendatory thereof, in which the former owner or owners, his or their representative or assigns, shall defend upon any ground other than those distinctly specified in section thirty-eight of said chapter twenty-two of the general laws of 1859, and the several acts amendatory thereof; and in all actions brought in such courts to set aside or avoid any assessment, tax or tax proceeding based thereon, or to recover back any tax previously paid, on the ground that such assessment, tax or tax proceeding is for any reason invalid, except when it is alleged that such tax has been paid, or the property affected by such action is not subject to taxation, in all such actions the party seeking to avoid such assessment, tax or tax proceeding, or to recover back such taxes, shall within such time as the court shall order, and before he shall be entitled to the relief prayed for, or any part thereof, tender or offer in writing to pay or allow, as the case may be, to the person, officer or corporation entitled to receive the same, the just and equitable proportion to be determined by the party making such offer, which the property on which such tax is sought to be set aside or avoided, ought in justice to pay of the tax and interest at seven per cent. per annum, justly chargeable upon the taxable property of the town, city or village in which the same was assessed, or attempted to be assessed, for the year in which the same was so assessed, or attempted to be assessed, and serve such offer of payment or allowance, as the case may be, upon the opposite party, who shall, if the same is accepted, serve written notice thereof within twenty days. If such offer shall be accepted, and the money to be paid, the action shall be dismissed, and the cost shall be apportioned by the court to the parties, or either of them, at the discretion of the court. But if such offer be not accepted, and it shall be finally adjudged and determined that the amount so tendered or offered to be paid was not equal in amount to the amount or taxes, justly charge-

able against said lands for such year, and the said interest, judgment shall be rendered against the party making such tender or offer, for the whole amount of taxes so justly chargeable, and full costs. But if the amount of such tender or offer to pay shall be equal to or greater in amount than the amount of taxes so justly chargeable, and such interest, and such tender shall be made and kept good by payment of the amount so tendered or offered to be paid into court, then the party making such tender shall recover full costs against the opposite party.

Re-assessment.

SECTION 4. In any action which has been or which shall be commenced for the recovery of any sum or sums of money paid as and for taxes levied either upon real or personal property, or both, if upon the trial it shall appear that the assessment upon which the taxes were so paid is void, the court, before entering judgment in the action, shall continue the action for a sufficient and reasonable time to permit a re-assessment under the provisions of this act, of the property affected by such void assessment, and such re-assessment shall thereupon be made in accordance with the provisions of this act. If from such re-assessment and apportionment it shall appear that the sum or sums paid for taxes by the plaintiff are no greater than his equitable and just share of the taxes, as so re-assessed and apportioned, judgment shall be entered for the defendant; and if from such re-assessment and apportionment it shall appear that the plaintiff has paid more than his equal and just share of the taxes, judgment shall be entered in his favor for the excess only over such equal and just share.

Stay of proceedings for re-assessment.

SECTION 5. In all actions hereafter tried upon issue joined in any of the courts of this state in which it shall be sought by either party, to avoid, or set aside in whole or in part, any assessment, tax, or tax proceeding, for any of the causes mentioned in this act, if the court shall be of the opinion, after a hearing in that behalf had, that for any reason affecting the ground work of the tax, and affecting all the property in any town, village, city or county, said assessment, tax, or tax proceeding should be set aside, it shall immediately stay all proceedings in such action, and in all other actions brought to set aside such tax in such town, village or city, until a re-assessment of the property of such town, village or city, can be made, and the proper authorities of such town, village or city shall immediately proceed to re-assess the property thereof, in the manner specified in section one of this act, and shall levy upon the prop-

erty thereof the amount of tax for the year in question levied in such year in such assessment district, and such re-assessment shall be made by the assessor of such town, village or other assessment district, and the town clerk of such town, village clerk of such village, and city clerk of such city, in which such assessment district is situated, shall extend upon such assessment roll the tax levied upon the property of such assessment district in such year, and such assessment roll and such tax so extended thereon shall be and become a public record, and shall be conclusive evidence of the amount of tax justly chargeable against such plaintiff and upon the lot or lots, tract or tracts of land respecting which the said action is brought, and shall also be conclusive evidence of the amount of tax justly chargeable against any and every other person or corporation, and every other lot, parcel or tract of land in such tax roll for such year, in any legal proceeding that may arise respecting the same: *provided, however*, that no judgment rendered in any such action shall be taken or understood as in any way affecting the validity of any tax against any other person than the parties to such action or any tract or parcel of lands or other property than that described in the complaint in such action.

Limitation for commencement of action.

SECTION 6. Every action or proceeding for the recovery of lands heretofore sold, or which may hereafter be sold, for the non-payment of taxes heretofore levied, shall be commenced within nine months after the recording of the tax deed, and not thereafter: *provided*, that in the case of tax deeds heretofore issued, the action, if not already barred, shall be brought within nine months after the publication of this act, and not thereafter.

Suit for cancellation of tax-deed.

SECTION 7. Every action or proceeding to set aside any sale of lands for the non-payment of taxes, or to cancel any tax certificate, or to restrain or prevent the issuing of any tax deed or any tax certificate, or to set aside and cancel a tax deed, shall be commenced within nine months after the making of such sale, date of such certificate, or recording of such tax deed, as the case may be, and not thereafter: *provided*, that in the case of sales, tax certificates and tax deeds heretofore made, issued or recorded, such action or proceeding if not already barred, may be brought within nine months after the publication of this act, and not thereafter.

Two preceding sections not to apply.

SECTION 8. The provisions of the two preceding sections shall not apply to any case where the lands so sold, or described in such tax certificate, or tax deed,

were not liable to taxation, or where the taxes on such lands have been paid or the lands redeemed according to law.

Actions to recover must be brought within one year.

SECTION 9. Every action hereafter brought to recover back from any county, town, city, or village, any money paid for taxes, upon the ground that such taxes are invalid, shall be brought within one year after the payment of such taxes and not thereafter, and no action shall be brought to recover back any taxes heretofore paid, unless such action shall be brought within nine months after the passage of this act.

Power of compromise.

SECTION 10. If it shall appear from any tax roll or tax proceeding heretofore made or had, that any sum of money is due from any person, or is charged against any lands or other property, and such taxes have been returned as delinquent to the county treasurer of the proper county, and such person or the owner of the lands or property so charged with such taxes, shall claim such taxes to be illegal for any cause, the county treasurer, county clerk and district attorney of such county may, if they shall deem that there is reasonable cause to believe such taxes illegal, compromise with such person or owner, and receive in lieu of the whole tax so appearing due or charged as aforesaid, such part thereof as the said county treasurer, county clerk and district attorney, or a majority, of them shall determine to be equitable, and for the best interest of such county.

Manner of re-assessment.

SECTION 11. In all cases where a re-assessment is ordered in any town, city or village in pursuance of the provisions of this act, the re-assessment roll of such town, village or city, when prepared by the assessor thereof, shall be submitted to, and passed upon, by the board of review of such town, city or village, in the same manner, in all respects, and with like notice, as is provided by law for the revision of the annual assessment roll of such town, city or village, by the board of review thereof.

Impeachment forbidden.

SECTION 12. No assessor shall be allowed in any court or place, by his oath or testimony, to contradict or impeach any affidavit or certificate made or signed by him as such assessor.

Construction of act.

SECTION 13. This act shall be construed to permit the re-assessment by or under the direction or authority of any city, of the property, real and personal, therein, which city, before and until the passage of this act, was authorized by law to make its own tax sales, tax certificates and tax deeds, by its own proper officers. And in and for and in respect to every such city, and

the property, real and personal therein, the mayor and council thereof, the assessors thereof, the city clerk thereof, the board of equalization thereof, and the city treasurer thereof, shall, as to any such city and the wards therein, respectively exercise all the powers, and perform all the duties, and proceed in the manner hereinbefore provided in respect to towns, villages and other cities, and exercise the powers and perform the duties devolved upon the board of supervisors, upon the assessors, upon the town clerk, upon the board of review, and upon the town treasurer respectively, for the reassessment of taxes and the collection thereof.

May be re-assessed.

SECTION 14. All real or personal property, the taxes upon which have been set aside by any court of this state within two years prior to the passage of this act, shall be re-assessed by the assessors of the several towns for the year 1878, upon the order of the county board of supervisors, giving a description of such real and personal property, with the names of the respective owners, if known. Such county boards are hereby authorized to charge back to the proper town, city or village, all taxes as aforesaid, set aside in the action or actions in which such assessment or assessments were adjudged void; such assessment and the levy of taxes thereon to be made in accordance with existing laws for assessment of lands omitted from any previous assessment.

SECTION 15. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1878.

[No. 405, A.] [Published April 9, 1878.]

CHAPTER 335.

AN ACT to amend sections three and four of chapter one hundred and fifty-three of the revised statutes, entitled "Of the liens of mechanics and others,"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section two of chapter one hundred and fifty-three of the revised statutes, is hereby amended by adding the following: *And provided further*, that in case any person shall order or contract for the purchase of any machinary to be placed in or connected to or

Lien on machinery to be retained.

with any building or premises, and such person not having an interest in such building or premises in or connected with which such machinery is placed, sufficient for a lien as provided for in this chapter to secure payment for said machinery, the person furnishing such machinery shall have and retain a lien upon such machinery, and shall have the right to remove from such building or premises such machinery in case there shall be default in the payment of such machinery when due, leaving such building or premises in as good condition as they were before such machinery was placed in or on the same.

Amended.

Lien for material and labor.

SECTION 2. Section three of chapter one hundred and fifty-three of the revised statutes is hereby amended so as to read as follows: Every sub-contractor, mechanic, workman or other person, who shall hereafter, in pursuance of the purposes of the original contract between the owner of any lot or real estate, or his agent, and the original contractor, perform any labor or furnish any materials in building, altering, repairing, beautifying or ornamenting any house, or other building or appurtenance situated on such lot or real estate, or on any street or alley connected with such building or appurtenances, and upon the lot or real estate upon which the same stands, shall have a lien for the value of such labor and materials to the extent of the right, title and interest of such owner at the time of making the original contract or which he may subsequently acquire thereto on such house or the improvement, but the aggregate of all the lien hereby authorized shall not exceed the price stipulated in the original contract between such owner and the original contractor for such improvement. In no case shall the owner be compelled to pay a greater sum for or on account of such house, building, or other improvement than the price or sum stipulated in the original contract or agreement: *provided*, if it shall appear to the court that the owner and contractor fraudulently and for the purpose of defrauding sub-contractors fixed an unreasonably low price in their original contract for the erection or repairing of such building, then the court shall ascertain how much of a difference exists between a fair price for labor or material used in said building, or other improvement, and the sum named in said original contract. Said difference shall be considered a part of the contract and be subject to a lien, but in no case shall the original contractors' time or profits be secured by this lien, only so far as the sum named in the origi-

nal contract or agreement: *provided*, that such sub-contractor, mechanic, workman or other person shall give notice to the owner of the building aforesaid within thirty days after the performance of such labor or the furnishing of such materials of his claim for a lien against such building under the provisions of this act.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1878.

[No. 510, A.] [Published April 8, 1878.]

CHAPTER 336.

AN ACT to amend chapter one hundred and seventy-six of the laws of 1872, entitled "An act to provide for the government of the Wisconsin hospitals for the insane.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section nine of chapter one hundred and seventy-six of the laws of 1872, entitled "An act to provide for the government of the Wisconsin hospitals for the insane," is hereby amended so as to read as follows: Section 9. All persons confined in either hospital as insane patients, except persons confined therein in the cases, in the manner and by the authority provided in section seventeen of the above mentioned act as hereinafter amended, shall be entitled to the benefits of the writ of *habeas corpus*, and the question of insanity shall be determined by the court issuing such writ; and if the court before whom such case is brought shall decide that the person is insane, such decision shall be no bar to the issuing of said writ a second time, if it shall be claimed that such person other than as above excepted, has been restored to reason: *and it is hereby further provided*, that if it be alleged that any person is improperly confined in either of said hospitals as an insane person by reason of not being then insane, the board of trustees shall have power to examine into such case, in such manner as in their opinion its necessities demand; and if after such examination shall have been carefully and critically made, aided by at least two skillful and experienced physicians, who shall have been designated by said board, it shall appear to them that such person is not

Amended.

Habeas corpus.

insane, and should not be thus confined, they shall issue an order for his or her immediate release from such confinement, except in cases where such person has been committed to, and is confined in, either of said hospitals under the provisions of section seventeen aforesaid, as amended as aforesaid; in which latter case the said board of trustees shall immediately notify the judge of the court having jurisdiction of such person as provided in said section seventeen as so amended, and the district attorney of the proper county, of their said determination and finding, and it shall thereupon be the duty of the court so having such jurisdiction of such person, to make an order for the removal of such person to the common jail of the county from which such person was so sent to either of said hospitals to be further dealt with according to law in the action wherein he is under charge of, or conviction of, a crime as provided in said section seventeen, as so amended; and in case of all other such persons so determined and found to be not insane, the aforesaid order shall be forthwith executed by the superintendent of the proper hospital.

Amended.

SECTION 2. Section ten of said chapter one hundred and seventy-six is hereby amended so as to read as follows: "Section 10. No person, idiotic from birth, shall be admitted into either hospital for the insane, and no person shall be retained, except in the cases arising under said section seventeen as so amended, in either hospital after, by a fair trial, it shall have become reasonably certain that such person is incurably insane, if such person is retained to the exclusion of others whose cases are of a more hopeful character; and no person confined in either of said hospitals, who shall have been committed thereto and is confined therein, under the order and commitment of any of the courts of record of this state, in or before which such person shall be under charge of, or conviction of, a crime punishable by imprisonment in the state prison, and awaiting hearing, trial, conviction or sentence, on account of alleged insanity, either at the time of the commission of such crime, or at any time afterwards, shall be removed or discharged therefrom, except upon the order of the court having jurisdiction of such person for hearing, trial, conviction or sentence as aforesaid.

Idiots shall not be retained in certain cases.

Amended.

SECTION 3. Section seventeen of said chapter one hundred and seventy-six is hereby amended so as to read as follows: Section 17. If the relatives or friends of any patient kept in the hospital shall ask the discharge of such patient, except in the cases provided in

Bond for safe-keeping.

this section, before such patient has recovered from insanity, the superintendent may, in his discretion, require a bond to be issued to the state of Wisconsin, in such sum and such sureties as he may deem proper, conditioned for the safe keeping of such patient. The several courts of record in this state shall be authorized to commit for safe keeping and treatment to either hospital for the insane, any person who shall be under charge of, or conviction of, before such court, any crime punishable by imprisonment in the state prison and awaiting hearing, trial, conviction or sentence on account of alleged insanity at the time of the commission of such crime or at any time afterwards and prior to sentence. Other patients may be discharged from the hospital upon application to the superintendent, or by order of the trustees, as provided in section nine in this act. Incurable and harmless patients shall be discharged whenever it is necessary to make room for recent or more hopeful cases, as ordered by the trustees, except in the cases of persons under the charge of or conviction of crime, as last aforesaid.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1878.

[No. 449, A.] [Published April 10, 1878.]

CHAPTER 337.

AN ACT relating to the improvement of the Eau Claire river, in the county of Eau Claire, state of Wisconsin, and to allow William A. Rust, his associates and assigns, to build and maintain a dam thereon, and to drive logs on said river.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. For the purpose of improving the Eau Claire river, so as to improve the navigation thereof, and to facilitate and improve the driving and floating of logs and timber in and down said river, William A. Rust, his associates and assigns, are hereby authorized and empowered, and right and authority is to him, his associates or assigns, hereby granted, to build, erect and maintain a dam at least eighteen feet high from low water mark, in and across said Eau Claire river, on section five (5) or eight (8), in township twenty-six (26)

Construction of dam authorized

range six (6) west, in Eau Claire county, Wisconsin. Also to improve said river for driving logs, by closing sloughs, clearing and straightening the channel thereof and building and maintaining side dams and booms, and to keep said dam and other improvements in repair and operate and use the same at all times for flooding and other purposes for the driving and floating of all logs and timber, that may be put in said river or tributaries thereof.

Tolls.

SECTION 2. Whenever the said William A. Rust, his associates or assigns, shall have built, erected and maintained a dam, eighteen feet high above low water mark, in and across said Eau Claire river, on section five (5) or eight (8) in township twenty-six (26), range six (6) west, in Eau Claire county, with gates so that the same can be used in flooding said river for the purpose of driving and floating logs and timber in and down said river, and shall maintain and operate said dam and other improvements so that logs and timber can be driven down said river from the forks thereof in town twenty-six (26), range five (5) west, also from the mouth of the Wolf river in town twenty-seven (27), range five (5) west, to the booms of the Eau Claire Lumber Company, near the mouth of said river, with reasonable certainty, on such freshets and with such rises of water as are necessary to float and drive logs and timber in connection with said dam and improvements, the said William A. Rust, his associates or assigns, in consideration of the building, maintaining and operating said dam and other improvements, and the facilities thereby obtained for floating and driving logs and timber on said river, shall be and are hereby authorized and permitted to charge, and entitled to collect and receive of any and all persons owning or controlling logs and timber, or either, in said river, ten cents per thousand feet, board measure, as toll: on all logs and timber designated and intended to be driven or floated down said river from the forks thereof, in town twenty-six (26) range five (5) west, and for all logs put in said river between the forks and the west side of section eleven (11), town twenty-six (26), range six (6) west, eight cents per thousand feet, board measure; and for all logs and timber designed or intended to be driven or floated down said river from section eleven (11), in town twenty-six (26), range six (6) west, five cents per thousand feet, board measure: *provided*, the cost of constructing such permanent improvements is equal to or exceeds the sum of twenty-five thousand

dollars, inclusive of the actual cost of the land upon which the improvements are made. And in case the cost of the improvements hereby authorized to be made, does not exceed the sum of eighteen thousand seven hundred and fifty dollars, the said William A. Rust, his associates and assigns, shall only be entitled to collect as toll three-fourths of the amount hereinbefore mentioned; and if such expenditures for permanent improvements do not exceed the sum of twelve thousand and five hundred dollars, they shall not be entitled to collect as toll more than one-half the amount herein named, and no tolls shall be collected or collectable until the sum of twelve thousand five hundred dollars shall have been expended for works, as authorized in section one of this act. The amount of said logs or timber to be determined by and under the direction of the lumber inspector of the district in which that portion of said river as aforesaid is situate, or by mutual agreement of the parties.

Impartially operated.

SECTION 3. The said William A. Rust, his associates and assigns, shall operate said dam and other improvements at all times during the season of driving logs, in an impartial manner, and in a way to afford the greatest facility to all parties driving logs down said river; and they shall construct and maintain booms in the slack water created by the erection of the dam hereby authorized to be erected, for the purpose of keeping logs in a narrow channel, and in the channel of any tributary emptying into said river, the banks of which, will be overflowed by such slack water.

Lien.

SECTION 4. The said William A. Rust, his associates and assigns, shall have a lien on all logs put in the Eau Claire river below the Wolf river, or that may be driven or floated down said river below that point, for and at the rate of the charges for toll mentioned and allowed to him or them in sections two and three of this act, and any and all charges for toll that said William A. Rust may have on account of the erection, maintaining and operating said dam and improvements, shall be a lien upon such logs or timber, and unless paid on or before ten days after the same are driven or floated down said river to the Eau Claire Lumber Company's booms near Eau Claire, all of such charges for toll may be enforced by said William A. Rust, his associates or assigns, in the same manner as other liens for services and labor performed on logs are enforced under the laws of this state, and for this purpose may hold and detain such logs or timber in the booms of

the Eau Claire Lumber Company, or elsewhere on said river, until such toll and charges are paid.

SECTION 5. This act shall take effect and be in force from and after its passage

Approved March 21, 1878.

[No. 209, A.] [Published March 27, 1878.]

CHAPTER 338.

AN ACT to provide for auditing the accounts of the several state charitable and penal institutions, and for disbursing the funds appropriated thereto.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Moneys to remain in treasury.

SECTION 1. All moneys appropriated or that may be hereafter appropriated for the use, maintenance, support or expense of the state prison; the state hospital for the insane at Madison; the northern hospital for the insane at Oshkosh; the state institute for the blind at Janesville; the state institute for the education of the deaf and dumb at Delavan; and the state industrial school for boys at Waukesha, and all other state charitable and penal institutions that may now or hereafter exist or be created in this state, and all sums appropriated or that may be appropriated to any of the said institutions for any purpose, shall remain in the state treasury until drawn therefrom from time to time in the manner hereinafter specified.

Appropriations — how drawn.

SECTION 2. On or before the twenty-fifth day of each calendar month, the board of directors, trustees or managers of each of said institutions, either as an entire board or through a committee of its members authorized by the by-laws of such board, to transact such business in the name of such board, shall prepare an estimate as nearly in detail as practicable, of the amount of money that will be required to pay the current expenses of the institution for each succeeding calendar month, and forward the same to the secretary of state, who shall draw his warrant on the state treasurer for the amount so estimated, and the state treasurer shall pay to each such institution, upon application of the treasurer thereof, the amount stated in such warrant: *provided*, that such amount shall not be paid out of the state treasury before the beginning of the calendar month

for which the estimates were made: *and provided, further*, that the provisions of this act shall not apply to special appropriations.

SECTION 3. All acts or parts of acts conflicting with the provisions of this act are hereby repealed. **Repealed.**

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1878.

[No. 518, A.] [Published April 6, 1878.]

CHAPTER 339.

AN ACT to prevent judicial officers from bringing actions in their own courts on claims placed in their hands for collection.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. No person holding judicial office in this state, shall bring or cause to be brought, directly or indirectly, either by himself, his agent, or by any confederate, any action or proceeding in the court whereof he shall be the judge, justice or other presiding judicial officer, upon any claim or demand placed in the hands of such judge, justice or other presiding judicial officer, as agent or attorney, for collection. **Shall not begin action.**

SECTION 2. Any person violating the provisions of the preceding section of this act shall be deemed guilty of misdemeanor, and on conviction thereof shall be punished by a fine of not less than five nor more than one hundred dollars, besides the cost of prosecution, and shall also be liable in a civil action to any person against whom he may bring, or cause to be brought, an action based on any such claim, to the full amount of all damages and cost, recovered in the action upon such claim. **Penalty for violation.**

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1878.

[No. 491, A.] [Published April 2, 1878.]

CHAPTER 340.

AN ACT to amend chapter one hundred and eighteen of the laws of Wisconsin for 1878, entitled "An act to authorize the commissioners of school and university lands to loan a portion of the trust funds of the state to the city of New London, in Waupaca county, in this state."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amendment of title.

SECTION 1. The title of chapter one hundred and eighteen of the laws of Wisconsin for 1878, is hereby amended so as to read as follows to wit.: An act to authorize the commissioners of school and university lands to loan a portion of the trust funds of the state to the city of New London, in the counties of Waupaca and Outagamie, in this state.

Amended.

Loan authorized.

SECTION 2. Section one of said act is hereby amended so as to read as follows, to wit: Section 1. The commissioners of school and university lands are hereby authorized to loan a portion of the trust funds of this state, not exceeding twenty-five thousand dollars, to the common council of the city of New London, in the counties of Waupaca and Outagamie, in this state, and the said common council is hereby authorized to borrow a sum not exceeding the amount above named, of the said commissioners, and to issue to the said commissioners certificates of the indebtedness so contracted, said indebtedness to bear interest at the rate of seven per centum per annum, and said interest shall be paid annually, and on and after five years from the date of said indebtedness, one-tenth of the same, together with the said interest, shall be paid annually thereafter until the whole sum is paid.

Interest—when payable.

Amended.

Secretary of state to apportion amount due in state tax

SECTION 3. Section two of said act is hereby amended so as to read as follows, to wit: Section 2. Each and every year until the whole loan shall be repaid, the secretary of state shall, when he apportions the state taxes among the several counties, apportion to the said city of New London the amount of interest due to the state on such loan, and each and every year, on and after five years from the date of said loan, he shall add to such annual interest one-tenth of the principal sum loaned, and the same shall be levied and collected out of the taxable property in said city embraced within the corporate limits of the village of New London at the time the bonded indebtedness hereinafter mentioned was

incurred, in the same manner as other taxes are collected, and shall be paid over annually by the treasurer of said city of New London to the state treasurer at the same time as the county treasurers are required to make their returns of the state taxes.

SECTION 4. Section three of said act is hereby amended so as to read as follows, to wit: Section 3. At the time and in the manner provided for levying taxes for municipal and other purposes, the common council of said city of New London shall levy each and every year the amount of money required for the payment of the said annual interest, and each and every year after five years from the date of said loan, shall levy the amount of money necessary to pay said annual interest, together with one-tenth of the principal sum loaned by the commissioners of school and university lands to the said common council, under the provisions of this act. **Amended.** **Tax levy authorized.**

SECTION 5. This act shall be in force and take effect from and after its passage and publication.

Approved March 21, 1878.

[No. 506, A.] [Published April 6, 1878.]

CHAPTER 341.

AN ACT to amend chapter one hundred and eighty-eight of the general laws of 1872, entitled "An act to provide for the incorporation of villages."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Sub-division number fourteen of section number fifty-one of chapter one hundred and eighty-eight of the general laws of 1872, entitled "An act to provide for the incorporation of villages" is hereby amended by adding after the word "health" in the eight line of said sub-division, the following: "And to determine and establish by ordinance the mode of procedure, and what it shall be sufficient to allege and prove, in order to make out a *prima facie* case of violation of any ordinance." **Amendment.**

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1878.

[No. 520, A.] [Published April 9, 1878.]

CHAPTER 342.

AN ACT to grant leave of absence to chief geologist Chamberlain for the period and purposes therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Leave of absence granted.

SECTION 1. Leave of absence is hereby granted to chief geologist, T. C. Chamberlain, during the months of June, July and August A. D. 1878, with continuance of salary, for the purpose of attending the international convention of geologists at Paris, and also for the purpose of taking charge, during the period above named, of the educational and geological exhibits at the world's exposition at Paris.

SECTION 2 This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1878.

EXTRA SESSION, JUNE, 1878.

[No 4, S.] [Published June 8, 1878]

CHAPTER 1.

AN ACT to enable the county of Iowa, and the several towns and cities therein to adjust their indebtedness and fix the time and manner of payment thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The board of supervisors of the county of Iowa, and the mayor and aldermen of the city of Mineral Point, and the supervisors of the several towns in said county, are each hereby authorized and empowered to make such adjustment of the several debts of such county, city and towns, and to make such agreements as to the time and manner of payment of the amount of the same as to a majority of two-thirds of the several boards and of the said common council of said city shall seem fit and proper. Every such agreement made by any of such board of supervisors, or mayor and aldermen, shall be reduced to writing, executed by the chairman and the clerk of such board, and the mayor and clerk of said city and the other party thereto, and the same, or a duplicate thereof, shall be recorded in the records of such county, city or towns.

Authority and power of county board, mayor and aldermen of city of Mineral Point, and of town supervisors.

SECTION 2. The chairman of the board of supervisors and clerk of such county, the mayor and clerk of said city, the chairmen and clerks of said towns, are hereby authorized and empowered to execute all such negotiable coupons, bonds, notes or other contracts or instruments as shall be fit and proper, to carry out such agreement of adjustment for and in behalf of such county, city and towns, respectively; and the clerk of said county of Iowa, and the clerk of said city of Mineral Point, and the clerks of the several towns, shall make, in the records of their several offices, a complete record of all such bonds, notes or agreements whatsoever, as well of the date and amount thereof as of the time when and

Authority to execute bonds, notes, or other contracts.

and place where the principal and interest of the same mature and become payable.

Levy and collection of taxes provided for.

SECTION 3. It shall be the duty of each and every officer of said county of Iowa, said city of Mineral Point, and of the several towns in said county, who shall, from time to time, be charged with any duty in regard to levying and collecting taxes in and for the said county, city and said towns, and of each of them, to see to it that an amount of money be levied and collected each and every year, from the taxable property of such county, city and towns, and each of them respectively, sufficient to pay all sums maturing upon any bond, note, contract or agreement, made and executed by said county, city, or any of such towns, under the provisions of this act, so that no default shall be made thereon.

Duty of clerks and treasurers.

SECTION 4. It shall be the duty of the clerks of said county, of said city, and of each of said towns which shall have executed any such bond, note or agreement, under the provisions of this act, each and every year, to certify in the tax rolls which they shall deliver to the treasurers or other officers of said county, city or towns, charged with the duty of collecting and receiving taxes, the amount payable by said county, said city, and such town, for which such treasurer or other officer acts, for or on account of any and every bond, contract or agreement, executed under the provisions of this act, during the succeeding year. And it shall be the duty of the treasurer of said county, city and said towns respectively, each year, after setting aside from the moneys by him collected, a sum sufficient to pay the state tax of his county, city or town, and before making any payments on any other account, to set aside a sum of money sufficient to pay all moneys maturing such year upon any of the bonds, notes, contracts or agreements by said county, city or said several towns, executed and delivered under the provisions of this act, and at maturity thereof to pay the same over to the persons entitled thereto, whether said clerk shall have certified such amount or not, so that there may not be any default in payment of the principal or interest maturing upon such notes, bonds or agreements, so executed and delivered under the provisions of this act.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved June 7, 1878.

[No. 2, S.]

CHAPTER 2.

AN ACT to revise the general statutes.

[This act is published in separate volume in accordance with the provisions of chapter 3, laws of 1878, extra session.]

[No. 3, S.] [Published June 10, 1878.]

CHAPTER 3.

AN ACT to provide for the publication and distribution of the revised statutes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The printing and publication of the revised statutes shall be done under the supervision of such persons, not exceeding two, as the justices of the supreme court shall appoint for that purpose; said justices shall fix their compensation, and may allow them compensation for necessary clerk hire and actual necessary expenses, and may authorize any necessary incidental printing to be done therewith. The persons so appointed shall attend personally to the printing of said statutes, shall read and correct the proof, shall append the marginal notes to the several sections, as they appear in the report of the revisers, with any necessary alterations or corrections, and references to the decisions of the supreme court down to and including the forty-second volume of the reports of the said decisions. They shall insert in said statutes, where necessary, suitable sub-heads to conveniently refer to the matter of the sections thereunder. They shall prefix to the volume of the revised statutes, a table of contents of the chapters, the constitution of the United States, and its amendments, omitting the names of the signers, the constitution of this state and its amendments, omitting the names of the signers, with marginal references to the decisions of the supreme court thereon, omitting sections ten and twelve of article fourteen, and the resolutions appended to the constitution, and inserting a brief abstract of the portions so omitted. They shall append to the volume the act of congress approved August sixth, A. D. 1846,

Printing and publication to be done under supervision of commissioners to be appointed by Justices of Supreme Court

Powers and duties of commissioners.

Sub-heads.

Constitution of the United States, of this state, and table of contents to be prefixed.

Act of Congress authorizing adoption of

Constitution and State Government to be appended; also naturalization laws, and how judicial proceedings may be authenticated.

entitled "An act to enable the people of Wisconsin Territory to form a constitution and state government, and for the admission of such state into the Union;" the laws of the United States in relation to the naturalization of aliens, and which prescribe the mode in which public acts, records and judicial proceedings in each state of the United States shall be authenticated, so as to be received in evidence. The statutes of the United States relative to the election of senators and representatives in congress shall also be included in connection with chapter eight of the revised statutes, except their titles shall be omitted from the volume.

The statutes of the U. S. relating to the election of Senators and Representatives to be included.

Table showing chapters expressly repealed.

Section four thousand nine hundred and seventy-eight of the revised statutes shall be omitted, and in lieu thereof shall be inserted a table showing the numbers of the chapters of former laws therein expressly repealed, with the year of their passage, which table shall be presumptive evidence of the repeal of the chapters contained in such table.

Further duties of persons appointed to superintend printing of statutes.

SECTION 2. The persons so appointed shall correct any manifest errors in printing, spelling, punctuation, or other typographical errors which may be found in the revised statutes, not affecting substance or changing sense, and shall correct all errata reported by the revisers with the bill, and not corrected by amendments submitted by the joint committee on revision, and all errors noted by the said committee. They shall prepare suitable headings for the pages, so that, as printed, the lines on the top of the pages on the left hand shall indicate the general subject of the title or chapter, and those on the right hand, the particular matter of the chapter. They shall also prepare an index and append to the volume, in which the principal words of reference shall be in capitals and the matter underneath in brevier type. Such index shall refer both to the numbers of pages and sections of the volume.

Index and words of reference.

To be printed in one large royal octave volume, on quality of paper herein described.

SECTION 3. The revised statutes shall be printed in one large royal octavo volume, the text to be in new small pica type, the marginal notes to be in nonpareil type, and shall be printed upon pure rag paper, supersized and calendered, and weighing not less than sixty-five pounds to the ream, and of good quality; and the volumes shall be bound in good, durable, substantial law book style, the printed page to be of the size reported by the revisers in their printed report, and the printing, binding and lettering to be done, in all respects, equal in kind and workmanship, to a speci-

Binding.

men volume to be designated by the justices of the supreme court as a standard volume, in accordance with which the work shall be compared and executed. The persons appointed to supervise the printing, shall have power to reject any page, part of page, form or part of form, or plate or part of plate, which does not in every respect conform to the requirements of this act, or to such standard volume, in their judgment, and may require a reprint thereof, or new plate, which shall be furnished at their requirement without additional cost or extra charge to the state, and a failure on the part of the printer or contractor to comply with any direction of such person so appointed, in regard to such printing, stereotyping or binding, shall work a forfeiture of the contract and of all moneys due thereon, so far as relates to the matter of printing said statutes.

Power to reject unsatisfactory work.

SECTION 4. The copy furnished to the state printer or contractor shall be compared with the original statutes by the persons employed to supervise the printing, and shall be so furnished as rapidly as possible after the passage of this act. The several banking laws adopted by the people, and printed in said revision, shall be compared with the original acts and amendments, and printed in conformity therewith. The state printer shall cause the proof to be read at least twice before furnishing the same to the supervising persons so appointed, as aforesaid, and shall furnish as many proofs, revises, corrected proofs and revises, as may be required, either in book form or galley, as they may require. Such persons shall perform their duties as required in this act, with such dispatch as to enable the printer to complete the delivery of the printed volumes at the times fixed therefor in this act.

Copy to be compared.

Banking laws to be compared with original enrolled bills.

Proof.

SECTION 5. The said revised statutes shall be printed by the state printer, who shall print and deliver to the secretary of state twelve thousand copies of the same; at least six thousand copies of the same shall be delivered on or before the fifteenth day of October next, and the remainder on or before the first day of November next. The commissioners of public printing are hereby authorized and directed to procure stereotype plates of said volumes, at a cost of not to exceed one dollar and twenty five cents per page, and to contract with said printer for the binding of said books in the manner hereinbefore provided, at a cost for binding of not to exceed ninety cents per copy: *provided*, that in said contract said printer shall agree and bind himself, un-

To to printed by state printer.

Time of delivery.

Stereotype plates to be procured.

Obligations of state printer.

der such provisions and upon such covenants, and with such additional security, as said commissioners may deem necessary to secure faithful performance, that he will faithfully comply with the requirements of this act, and such contract, in respect to the printing, binding, stereotyping and delivery of said volumes. In estimating the press-work upon said volume the medium sized paper shall be adopted as the standard token, and the work computed upon that basis.

Presswork—how estimated.

Commissioners of Public Printing to contract for paper, and to issue same to state printer as provided by law.

SECTION 6. The printing commissioners are hereby required in the manner now required by law, to contract for a quality of book paper of a standard of excellence, durability and finish, kind and quality, specified in section three of this act; and to issue the same to the state printer as may be required for the purposes of this act, under the rules and regulations now provided by law for other classes of state printing. The contract for the stereotype plates shall provide for the delivery to the state of said plates after such printing of said edition is completed, and they shall be deposited in some secure place in the state capitol, and preserved to meet any future orders.

Stereotype plates of statutes to be deposited in capitol.

Superintendent of Public Property to provide room and stationery for use of superintendents of printing statutes; Secretary of State to permit them to take enrolled bills under certain limitations

SECTION 7. The superintendent of public property shall furnish to said persons appointed to supervise said printing, a suitable room in the capitol, and all needed stationery, for the performance of their duties under this act; the secretary of state shall furnish them, immediately after their appointment, two copies of the original act, and shall permit them to take, for the purpose of comparison, any enrolled bill or the original statutes deposited in his office, for the purpose of comparison, and shall designate some clerk of his office to take custody of the same, and assist in such comparison.

Distribution of revised statutes

SECTION 8. Upon delivery of the said printed volumes, the secretary of state shall turn them over to the superintendent of public property, who shall distribute two copies to each of the justices of the supreme court, one copy to each circuit, county and municipal judge, two copies to each of the judges of the district courts of the United States in this state, for the use of said courts, one copy to the Milwaukee library association, one copy to each of the revisers of the statutes, one copy to each of the state officers, and one copy to be kept in each state office in the capitol, twenty copies to the state library, one copy to each member and officer of the legislature of 1878; and such further distribution as is now provided by law to town, city,

county and village officers, shall be made as fast as said books are delivered. Of the volumes remaining in his hands the superintendent shall sell to any residents of this state desiring the same for his own use, on application, one copy, at a price not less than cost price, nor in excess of the same, but shall retain sufficient copies thereof for the uses required by law.

One hundred copies of *complete* statutes to be printed, two copies of which shall be printed on bond paper and certified to by Secretary of State and deposited in his office as original copy of same

SECTION 9. As soon as practicable, and during the progress of such printing, the secretary of state shall cause to be printed from the same plates used in printing said statutes, as far as practicable, one hundred copies of said statutes, which edition of one hundred copies, shall include the chapters and sections directed to be omitted from the general edition of such statutes hereinbefore provided for; and such printing shall be and is hereby declared to be a publication of said revised statutes and of the whole thereof, and such printing of said limited edition provided for by this section shall be completed and delivered to said secretary on or before the first day of November, A. D. 1878; and said secretary shall, also, cause two copies of said complete statutes to be printed on bond paper and kept in his office properly bound, and such copies shall be certified to by him, and when so bound, certified and deposited in his office, the same may be used as and for the original act and the official record copies thereof. No publication of said statutes in the official state paper, nor in any other manner than as required by this act, shall be made.

In case of failure of state printer to accept terms of this act, Commissioners of Public Printing to advertise for proposals for doing the work in this act required.

SECTION 10. If the state printer shall fail or refuse to accept said work upon the terms of this act, and to enter into such additional contract, within six days after the passage of this act, then the commissioners of public printing shall immediately thereafter advertise for ten days, in two newspapers published in the city of Madison, two newspapers published in the city of Milwaukee, and one newspaper published in each of the cities of Chicago, St. Louis and New York, for proposals for stereotyping the revised statutes and delivering to the superintendent of public property, at the capitol, in the city of Madison, free of express or transportation charges, by the fifteenth day of October, 1878, twelve thousand copies of the revised statutes, together with the stereotyped plates from which they shall be printed. Such advertisement shall state the time when proposals for bids will cease to be received, and when the bids will be examined and the contract let. At the time so stated, the bids shall be opened and the contract

Nature of advertisement.

shall be let to the lowest bidder, upon his giving the bond and executing the contract herein provided. The contract, if let in the manner provided in this section, shall reserve the copyright to the secretary of state, in trust for the state of Wisconsin, and shall provide for the stereotyping and delivery of twelve thousand copies of the revised statutes, in all respects as provided in this statute, and that the contractor shall furnish to all the people of the state desiring to purchase the same, for the period of five years from the date of the contract, copies of the revised statutes at the price per volume therefor to be paid by the state for said twelve thousand copies, including said stereotyping, at the place designated for such delivery within this state by the purchaser, and free of express or other transportation charges. Such contractor shall, at the time of the execution of such contract, execute and deliver to the state a bond in the penalty of twenty thousand dollars, with at least two sufficient sureties, conditioned for the faithful execution of the contract as herein provided, which contract and bond shall be prepared by the attorney general, shall be attached together, shall be executed and approved by said commissioners as to form and as to the sufficiency of the sureties in such bond, and when executed, such contract and bond shall be deposited with the treasurer. On the delivery of said stereotyped plates and said twelve thousand copies of said statutes, furnished to the satisfaction of the said persons appointed to supervise the printing thereof, the secretary of state, on being so certified by them as to the fact, shall draw his warrant upon the treasurer in favor of, and for the amount due state printer or the contractor, under his contract or contracts therefor.

Appropriation for the purposes of this act.

SECTION 11. There is hereby appropriated out of any moneys in the general fund not otherwise appropriated, a sum sufficient to defray the expenses authorized by this act. The said justices shall, as soon as possible, after the passage of this act, appoint such persons, who shall at once enter upon their duties, and proceed with the same as expeditiously as practicable. The compensation of the persons so appointed, and their clerk hire, shall be paid upon the written allowance of the justices of the supreme court, signed by the chief justice.

SECTION 12. This act shall take effect and be in force from and after its passage and publication.

Approved June 7, 1878.

[No. 1, S.] [Published June 10, 1878.]

CHAPTER 4.

AN ACT to appropriate to each of the members of the joint committee on revision, a sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2. There is hereby appropriated to the following named persons, out of any money in the state treasury, not otherwise appropriated, in full for their services and expenses while acting as members of the joint committee on revision, appointed pursuant to joint resolution number twelve, assembly, of the last session, viz.: to L. W. Barden, the sum of four hundred dollars; to W. T. Price, the sum of four hundred dollars; to Thos. R. Hudd, the sum of four hundred dollars; to Ed. E. Bryant, the sum of four hundred dollars; to W. E. Carter, the sum of four hundred dollars; to E. C. McFetridge, the sum of four hundred dollars; and to H. J. Ball, the sum of four hundred dollars. Appropriation.

SECTION 2. This act shall take effect and be in force from and and after its passage.

Approved June 7, 1878.

[No. 6, S.] [Published June 10, 1878.]

CHAPTER 5.

AN ACT to provide for the publication and binding of the laws passed at the extra session of the legislature of 1878.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The laws passed at the present session of the legislature, shall be included in the volume of laws passed at the general session of the legislature of 1878; and the secretary of state is hereby directed to cause them to be so printed and bound in such volume. Laws passed at extra session, excepting revised statutes—how published.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved June 7, 1878.

JOINT RESOLUTIONS.

[No. 37, A.]

No. 1.

JOINT RESOLUTION relating to the better protection of fish.

WHEREAS, It is apparent to all thinking men who are in any way connected with the great fishing industries being prosecuted in the waters of our great lakes, that the supply of fish is being rapidly decreased, thereby rendering this very important branch of production less remunerative each year; and

WHEREAS, A large number of citizens of the different states bordering on lakes Superior, Michigan, Huron, St. Clair, Erie, and Ontario, are extensively engaged in the taking of fish, and many hundred thousand dollars of capital are invested in fishing tackle; and

WHEREAS, It has become evident to all who have been observers of this industry, that our waters are being rapidly depleted of their natural supply of fish, and labor and capital invested therein are annually becoming less remunerative; and

WHEREAS, We are confident that should the proper restraints be placed upon the present methods adopted by fisherman for the purpose of taking fish, the supply would be rapidly increased, rendering capital and labor invested therein more remunerative to our country; and

WHEREAS, It is an indisputable fact that the use of any net, pound net, or otherwise, whose mesh is less than four inches in length or two inch bar, contributes more largely toward the extermination of fish in our fresh waters than any other device known; therefore be it

Resolved, by the Assembly, the Senate concurring, That his excellency, the governor of Wisconsin, be requested, and he is hereby authorized, to confer with the several governors of states bordering upon lakes Superior, Michigan, Huron, St. Clair, Erie, and Ontario, for the purpose of procuring the passage of a national law whose object will be for the better protection of fish in the aforesaid lakes.

Approved February 21, 1878.

[No. 14, A.]

No. 2.

JOINT RESOLUTION relating to swamp and overflowed lands in Crawford county.

Resolved, by the Assembly, the Senate concurring, That the governor of this state be requested to apply to the Secretary of the Interior of the United States, to issue to the state of Wisconsin, patents for all of the following lands in Crawford county, for which patents have not been issued, and which lands are overflowed at certain seasons of the year, and thereby made unfit for cultivation, viz.:

Parts of Sections.	Section.	Township.	Range.	Surveyed Area.		Total Area.	
				Acres.	Hundredths	Acres.	Hundredths
		N.	W.				
Lots 1, 6, 7, 8, 9, 10, 11 and 12	2	9	6	247	16	.....	.....
The whole of fractional	3	9	6	523	28	.....	.....
The whole of fractional	4	9	6	33	08	.....	.....
The whole of fractional	10	9	6	293	37	.....	.....
Lots 5, 6, 7, 8, 9, 10 and 11	11	9	6	126	15	.....	.....
Lots 5, 6 and 7	14	9	6	38	83	.....	.....
Lots 1, 2, 3 and 4	15	9	6	16	48	1,278	30
Lots 6, 7, 8, 9 and sw fraction ¼ sw ¼	7	10	6	166	14	.....	.....
Lots 5, 6 and 7	8	10	6	81	48	.....	.....
Lots 2, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13	17	10	6	349	57	.....	.....
Sw ¼ sw ¼	17	10	6	40	.....	.....	.....
Lots 2, 3, 4, 5, 6, 7, 8, 11, and nw ¼ nw ¼	18	10	6	369	57	.....	.....
The whole of fractional	19	10	6	287	31	.....	.....
The whole of fractional	20	10	6	554	64	.....	.....
Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, and ne ¼ sw ¼	21	10	6	347	11	.....	.....
Lots 5, 6, 7, and sw ¼ sw ¼	22	10	6	132	95	.....	.....
Lots 4 and 5	26	10	6	8	33	.....	.....
Lots, 2, 3, 4, 6, 7, 8, 10, 11, 12, 13 and 14	27	10	6	355	62	.....	.....
The whole of fractional	28	10	6	535	81	.....	.....
The whole of fractional	29	10	6	214	42	.....	.....
Lots 1, 2, 4, 5, 6, 7, 8, and w ½ ne ¼	33	10	6	327	28	.....	.....
The whole of fractional	34	10	6	456	09	.....	.....
Lots 5, 6, 7, 8, 9 and 10	35	10	6	143	43	4,369	75
Lot 4	1	10	7	30	16	.....	.....
Lots 4, 5, 6, 7, 8 and 9	2	10	7	186	42	.....	.....
Lots 1, 2, 3, 4, 5, 6, 7 and 8	3	10	7	289	73	.....	.....
Northeast fractional ¼ ne ¼, se ¼ and w ½ se ¼	3	10	7	299	96	.....	.....
The whole of fractional	4	10	7	327	16	.....	.....
The whole of fractional	9	10	7	230	54	.....	.....
The whole of fractional	10	10	7	529	23	.....	.....
Lots 1, 2, 3, 4, 5, 10, 11, 12 and 13	11	10	7	297	08	.....	.....
Lots 2, 3, 4, and sw ¼ ne ¼	12	10	7	143	71	.....	.....
W ½ nw ¼ se ¼ nw ¼, and s ½ of	12	10	7	440	.....	.....	.....
The whole of fractional	13	10	7	553	11	.....	.....
The whole of fractional	14	10	7	269	30	.....	.....
The whole of fractional	15	10	7	33	03	.....	.....
The whole of fractional	24	10	7	40	18	3,689	61

Which lands are granted and belong to this state, by virtue of an act of congress passed September 28, 1850, contained in sections 2,479 and 2,480 of the revised statutes of the United States.

Resolved, further, That the governor be requested to apply to the to the secretary of the interior of the United States, to have the unsurveyed bottom lands east of the main channel of the Mississippi river, in town eleven north, of range seven west of the fourth principal meridian, surveyed and platted, and to issue to the state of Wisconsin patents for such of the lands in said township as are overflowed at certain seasons of the year, and thereby made unfit for cultivation.

Approved February 21, 1878.

[No. 9, A.]

No. 3.

JOINT RESOLUTION relating to the remonetization of silver.

Resolved, by the Assembly, the Senate concurring, That every consideration of public policy demands the immediate restoration of the silver dollar to its former rank, as a legal tender for all debts, public and private, as it existed prior to February 12, 1873, with detriment to no one, but of acknowledged benefit to the whole people, and our senators in congress are hereby instructed, and our representatives in congress are requested, to use all proper and honorable means to secure the passage of a bill so restoring the law.

Resolved, That all indebtedness, public or private, created prior to July 14th, 1870, and which was by its terms payable in coin, is payable either in gold or silver coin, at option, and all government bonds issued since July 14th, 1870, are payable as recited on the face of the bonds, to wit: "This bond is issued in accordance with the provisions of an act of congress, entitled 'An act to authorize the refunding of the national debt,' approved July 14th, 1870, amended by an act, approved January 20th, 1871, and is redeemable at the pleasure of the United States after the first day of September, A. D. 1891, in coin of the standard value of the United States on said July 14th, 1870, with interest in such coin from the day of date thereof," etc.

Resolved, That where the word "coin" is thus used, is meant gold and silver coin; a dollar of gold being 25.8 grains, and a silver dollar 412.5 grains, both nine-tenths fine, and it is the right of the people to discharge their obligations in the exact manner specified, in all contracts entered into.

Resolved, That if after the full and unconditional restoration of the law relating to the silver dollar, it should be found there was

any considerable difference between the value of dollars in gold and silver, we should regard it as a wise policy to re-adjust the weight of the two coins, either by increasing the weight of silver, or decreasing the weight of gold, as proposed by the honorable John Sherman in 1868, or both, so as to secure their harmonious circulation as the money of account of the United States; but in the opinion of this legislature, it will be impossible to determine their relative value, until the two metals shall have been placed upon an equal footing, by a restoration of the law, in relation to the silver dollar as it stood prior to February 12th, 1873.

[No. 18, S.]

No. 4.

JOINT RESOLUTION to amend the patent laws.

Resolved, by the Senate, the Assembly concurring, That our present patent laws are unjust, oppressive, the cause of much litigation and expense to the people.

Resolved, That our senators in congress are hereby instructed, and our representatives in congress are requested to support such legislation as will relieve the people from the oppression of patent right monopolies.

Resolved, That the owners of patents should have recourse for damages only upon the manufacturers, and not upon those who use the article patented.

Resolved, To prevent monopoly, that the manufacture of all articles should be free to all, by the manufacturer paying a reasonable royalty to the owner of the patent.

Resolved, That the secretary of state be directed to transmit copies of these resolutions to each of our senators and members in congress.

Approved March 19, 1878.

[No. 52, A.]

No. 5.

JOINT RESOLUTION relating to the claim of E. A. Calkins.

Resolved by the Assembly, the Senate concurring, That it is hereby declared as the only intent and object of this legislature in the passage of senate bill number forty-one, entitled "A bill to complete the payment of a certain award and adjusted account," to provide for the payment to Elias A. Calkins, of the sum of three thousand two hundred and eighty-one dollars and forty-two cents,

with interest thereon since the 4th day of April, 1874, being the balance computed and awarded to the said Elias A. Calkins, by the commissioners acting under the provisions of chapter two hundred and seventy-four of the laws of 1874, entitled "An act for the appointment of commissioners in the matter of the claim of Elias A. Calkins and James K. Proudfit against the state," and it was the true intent and meaning of the legislature in enacting said law, that no further or other award or allowance should ever be made to said Elias A. Calkins, Calkins & Proudfit, Calkins & Webb, or either of them, or their assignees, or the assignees or personal representatives of either of them, by the state of Wisconsin, arising out of any claim heretofore existing in favor of said parties or either of them.

Approved March 19, 1878.

[No. 24, S.]

No. 6.

JOINT RESOLUTION relative to the gift of Ex-Governor Washburn.

Resolved by the Senate, the Assembly concurring, That the gift of Ex-Governor C. C. Washburn, of his residence at Edgewood for an industrial school for girls, be accepted by the state; and the property may be used for the purpose mentioned in his communication to Governor Smith, of January 11, 1878, or for such other purpose as may be approved by the donor.

Resolved, further, That the governor be authorized and directed to take such formal action as may be necessary to secure the title to the state of the property mentioned, for the purposes authorized by this resolution.

Approved March 20, 1878.

[No. 12, A.]

No. 7.

JOINT RESOLUTION, relating to the revision of the statutes, the printing of the bill reported therefor, and to provide for the incorporation of the general acts of this session therewith, and to prevent conflicting legislation upon the subject embraced therein, and relating, also, to an adjournment of the legislature.

Resolved, by the Assembly, the Senate concurring, That the bill reported by the revisers of the statutes, entitled "A bill to revise the general statutes," having been printed in pursuance of the provisions of chapter 298, of the laws of 1877, no printing of the same under the rules is required.

Amendments may be offered at any time in either Senate or Assembly, and the same shall, unless a different reference be ordered, be referred to the joint committee on revision. The same may be offered as amendments, or in the form of resolutions directing the said committee to amend.

That the joint committee on the revision of the statutes, together with two of the revisers to be selected by said committee, if they deem it necessary, shall incorporate into and harmonize with said revision, under the proper titles and chapters, and properly numbering the sections, all acts passed at this session which relate to any subject contained in the revision, and are of future application.

That no other engrossment or enrollment of said bill shall be necessary, than to reprint such sheets as contain amendments or changes when the same shall be finally passed.

That the legislature shall dispose of the business now before it, other than the revision, and then adjourn; and that when it adjourn, it adjourn without day. No business shall be transacted by either house after five o'clock P. M. to-day, March 20, except to receive executive messages, and the reports of committee on enrolled bills; and that the senate and assembly adjourn without day, to-morrow, March 21, 1878, at eleven o'clock A. M.

That said committee on revision shall, after such adjournment, complete its examination of the revision, and incorporate therein in substance, and harmonize therewith, all general laws passed at this session which should be embraced therein, and so change the revision as to give proper effect to such general laws.

That immediately on completing its labors, the said joint committee report the fact to his excellency, the governor, and that thereupon the governor be, and he is, hereby, requested to call an extra session of the legislature, for the purpose of considering the revision, and the report of said committee thereon, and for such legislation as may be necessary to provide for the publication and distribution of the statutes as revised; such extra session to be convened not sooner than the twenty-eighth day of May next.

That said committee on revision also report at such extra session a bill to provide for the publication and distribution of the statutes when revised.

That on incorporating the general laws of this session as herein instructed, said committee cause to be reprinted the several pages of the revision which may be changed thereby, and that such reprinted sheets or pages be laid upon the desks of members at such extra session.

That the printing of the volume of laws and the senate and assembly journals be suspended until after the extra session; and the volumes referred to shall include the laws and proceedings of such extra session.

Approved March 21, 1878.

MEMORIALS TO CONGRESS.

[No. 2, A.]

No. 1.

MEMORIAL TO CONGRESS for an appropriation to complete the breakwater and the entrance to the Harbor of Refuge, in Sturgeon Bay, Wisconsin.

To the Senate and House of Representatives of the United States, in Congress assembled:

The memorial of the legislature of the state of Wisconsin, respectfully represents: That the Sturgeon Bay and Lake Michigan ship canal and harbor company having already completed more than one-half of the entire work on the canal during the past season; and

That the safety of the entire shipping and commercial interests tributary to the western shore of Lake Michigan demand an early completion of the entrance to the Harbor of Refuge in Sturgeon Bay;

That the work already done by the United States at the entrance of said harbor cannot be made available unless further appropriation be made to complete the same at an early day;

That the estimated cost of said work by the United States is one hundred and eighty thousand dollars, of which only fifty thousand dollars have been appropriated and expended;

That said improvement when completed will be the most capacious and available harbor between Manitowoc and Bailey's Harbor, where there is no protection for vessels at present to be found:

Therefore, your memorialist respectfully asks that the balance of said estimate be appropriated at the present session of Congress, for the early completion of said work.

Approved January 29, 1878.

[No. 1, S.]

No. 2.

MEMORIAL TO CONGRESS for an extension of time to complete the Northern Pacific Railway.

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

WHEREAS, This legislature is advised that a bill is pending in

congress, having for its object the extension of time for the completion of the Northern Pacific Railroad, the prosecution of that work having been interrupted by the financial revulsion of 1873, and the resulting embarrassments to all railway construction enterprises; and,

WHEREAS, The direct interests of the states of Wisconsin, Oregon and Minnesota, and the territories of Dakota, Montana, Idaho, and Washington, and the scarcely less direct interests of all the states and territories north of the forty-second parallel of latitude, and west of the great lakes, and the interests of all the northern and middle states east of the Mississippi Valley, render it desirable that this great work shall be speedily completed in order to develop the wonderful agricultural and mineral resources of the first named states and territories, and to afford the country at large the great commercial advantages of the development of a vast area of territory hitherto nearly unoccupied by civilization, and also that by furnishing the means of rapid transit by which the national government may be able to protect its own, and the safety and interests of its people already flocking to this new territory, and the advantages to be derived from dividing the traffic and lessening the costs of through transit and transportation between the Atlantic and Pacific states; together with the fact that the company at present in control and contemplating the completion of the work asks no subsidies, but merely the extension of time within which the line shall be required to be completed, and within which it may be entitled to claim the grants and franchises provided in the original act; now, therefore, be it

Resolved, That the legislature of Wisconsin respectfully urges the congress of the United States to enact, at the present session, such measures as will result in the extension of the time for the completion of the Northern Pacific Railroad, provided such extension shall not impair the rights of the state of Wisconsin to any of the lands included in the grant to said state by the acts of congress, approved June 3, 1856, and May 5, 1864, and that our members of congress use all honorable means to this end; for the reasons:

First, That it is simple justice to the large number of bondholders who loaned the money that constructed nearly six hundred miles of the Northern Pacific Railroad, and who, under the present reorganization of the company, have become stockholders, therefore owners of the line, to give them time to save their large investments by completing the road.

Second, That another transcontinental railway is needed to reduce the present high cost of freight and travel between the Atlantic and Pacific.

Third, That the completion of the Northern Pacific Railroad would practically put an end to Indian wars in the northern half of the United States; would speedily settle the territories of

Dakota, Montana, Idaho and Washington; would bring into market a belt of public domain several hundred miles wide, from the Missouri river to the Pacific, and would give to trade and commerce the shortest route to China and Japan.

Resolved, That our senators in congress are hereby instructed to, and our representatives in congress are hereby requested to, resist the passage by congress of any act which can, in any manner, directly or indirectly, interfere with, diminish or injuriously affect the present legal title of the state of Wisconsin to the lands, or any portion thereof, embraced in the grants made by congress to the state by acts approved, respectively, June 3, 1856, and May 5, 1864, known as the St. Croix land grant.

Approved February 19, 1878.

[No. 3, S.]

No. 3.

MEMORIAL TO CONGRESS for the establishment of a tri-weekly mail route from the village of Whitehall, the county seat of Trempealeau county, to Eau Claire, Eau Claire County, Wisconsin

To the Honorable, the Senate, and House of Representatives in Congress assembled:

The memorial of the legislature of the state of Wisconsin respectfully represents, that the interests and convenience of the inhabitants of the northern portion of the county of Trempealeau require the establishment of a tri-weekly mail route from Whitehall the county seat of Trempealeau county, by way of Alhambra, Chimney Rock, Hamlin and Hadley post offices, to Eau Claire, a distance of forty miles; and that this is a necessity and has been for a long time, to the northern portion of Trempealeau county and the southern portion of Eau Claire county; and that for the whole distance the county is now settled, and that there are at present nearly no mail facilities; that this route will then give the people along this proposed route a tri-weekly communication between the county seats of the two counties of Trempealeau and Eau Claire, and across the county between the line of the Green Bay Railroad and the West Wisconsin Railroad. And your memorialist would respectfully ask that the route be established at as early a period as possible.

Approved February 27, 1878.

[No. 2, S.]

No. 4.

MEMORIAL TO CONGRESS to promote the deposit of savings, and refunding the national debt.

To the Senate and House of Representatives of the United States, in Congress assembled:

Your memorialist, the legislature of the state of Wisconsin, respectfully represents:

That owing to the demonstrated insecurity of many savings banks as depositories for the surplus earnings of the people, public policy and the general welfare alike combine to demand that congress should authorize the issue of bonds or certificates of deposit bearing a low rate of interest, not exceeding four per cent. per annum, into which the industrial classes of the country can at all times invest their earnings, making such deposits entirely secure, and at all times convertible whenever investors shall so desire.

That no loans for the payment or retirement of national bonds ought hereafter to be made until the same have been offered to the people of the United States, to be taken in small denominations, so that every prudent citizen may have an opportunity, according to his means, to hold a portion of the public debt; and no syndicate ought to be countenanced transferring said debt abroad, until the loan has been freely offered in the open market at home, through any designated depository, or the money order post offices of the United States.

Your memorialist would further represent that in the event of specie resumption on the first day of January, 1879, and in view of the probable small amount of coin in the possession or within the immediate reach of the secretary of the treasury at that time, therefore,

Resolved, That our representatives in congress be requested to favor legislation whereby the secretary of the treasury, by and with the consent and advice of the president and his cabinet, be empowered to suspend specie payment whenever, in their opinion, it may be necessary to defeat combinations to deplete the treasury of coin for speculative purposes.

Your memorialist, therefore, earnestly requests that the matters aforesaid may receive the early and favorable consideration of congress.

Approved March 7, 1878.

[No. 4, S.]

No. 5.

MEMORIAL for an appropriation for constructing a harbor at Kewaunee, Wisconsin.

To the Honorable, the Senate and House of Representatives of the United States of America, in Congress assembled:

The memorial of the legislature of the state of Wisconsin respectfully represents:

SECTION 1. That the Kewaunee river, in the state of Wisconsin, which empties into Lake Michigan at a point one hundred and seven miles north of Milwaukee, and thirty-two miles east of Green Bay, is the only navigable stream on the west shore of the lake, for the improvement of which at its outlet the general government has made no appropriation. The river rises in Brown county, and flows in a general southeasterly direction, through Kewaunee county, draining a large and fertile section of country, which is steadily increasing in population and importance. For six miles above its mouth, the river has a width of two hundred and fifty to four hundred feet, and an average depth of ten to twelve feet; the distance from the shore out upon the lake to fourteen feet of water is only eight hundred and fifty feet; there are no rocky or other serious obstructions which would interfere with a cut from the river to the lake, or with navigation in the vicinity outside, and a safe and commodious harbor, affording ample accommodation for the largest class of lake shipping, could be constructed at this point at a comparatively small expense. For a more detailed statement of these facts, reference is made to the official reports of Major D. C. Houston, United States engineer, and Mr. John Pierpont, assistant engineer, commencing on page seventy-one of appendix "B," of the annual report of the chief of engineers for 1873.

The county of Kewaunee contains a population of about sixteen thousand, and the village of Kewaunee, situated at the mouth of Kewaunee river, has a population of about fifteen hundred. The shipments from the port of Kewaunee for the year 1877, consisted in round numbers of eight thousand, five hundred barrels of flour; one hundred and fifty thousand bushels of grain; two million, five thousand feet of lumber, eleven million shingles, one hundred and sixty thousand railroad ties, one hundred thousand cedar fence posts, four thousand eight hundred cords hemlock bark, six thousand cords of wood, besides telegraph poles, square timber, farm produce and manufactured wares, representing an aggregate value of at least three hundred and fifty thousand dollars. During the season of 1877, one hundred and nineteen steamers, and two hundred and forty-six sailing vessels arrived and cleared from the port of Kewaunee. The soil throughout the region, which would find a commercial outlet at Kewaunee, is fertile and

especially adapted to grain growing; abounds with an excellent article of ship timber, suitable for manufacturing of various kinds; and building stone is obtainable almost without limit. The improvement of the natural outlet of the river, will be not only of vast advantage to the locality immediately adjacent to the work, but will materially promote the development and add to the prosperity of a large and important section of the state.

The construction of a harbor at Kewaunee would afford additional and much needed security for the shipping plying along the west shore of the lake. The nearest harbors are Ahnapee, north twelve miles; and Two Rivers, south twenty-six miles; both in course of construction. In consideration of the additional safeguard this work would furnish to our lake commerce, and of its importance as an agency for developing the resources and promoting the interests of a very considerable portion of the state, your memorialist respectfully ask that your honorable body make an appropriation sufficient to commence the construction of said harbor at Kewaunee.

His excellency, the governor of Wisconsin, is hereby requested to transmit a duly authenticated copy of this memorial to each of the senators and representatives in congress from the state of Wisconsin.

Approved March 7, 1878.

[No. 6, S.]

No. 6.

MEMORIAL TO CONGRESS for the enactment of a law taxing incomes.

To the Honorable, the Senate and House of Representatives, in Congress assembled:

The memorial of the legislature of the state of Wisconsin respectfully represents:

That justice to the heavily taxed people demands that capital should bear a just proportion of the burdens of the people, which much of it now escapes by being exempt by law.

That in the opinion of your memorialist there should be a law enacted by congress taxing incomes so as to reach aggregated capital; that all incomes under two thousand dollars per annum be exempt, and that all incomes over two thousand dollars be taxed.

Resolved, That a certified copy of this memorial be sent to the president of the senate and speaker of the house, to be laid before their respective houses, and a copy to each of our senators and members in congress.

Approved March 14, 1878.

[No. 5, S.]

No. 7.

MEMORIAL TO CONGRESS against the reduction of the present duty on wool.

To the Honorable, the Senate and House of Representatives:

The memorial of the legislature of the state of Wisconsin respectfully represents:

That the interests of a large number of citizens of the United States engaged in wool growing require that so long as people are taxed by having to pay duties on imported woolen goods, the wool grower should be protected equally with the manufacturer. Therefore, to secure justice to a large and rapidly increasing industry we request that there be no reduction in the present duties on wool.

That to give protection when most needed, and prevent fraud, duties should be specific instead of *ad valorem.*

Resolved, That a duly authenticated copy of this memorial be transmitted to the president of the senate and speaker of the house, with a request to lay them before their respective houses, and also a copy to each of our senators and representatives in congress.

Approved March 14, 1878.

[No. 11, A.]

No. 8.

MEMORIAL TO CONGRESS for increased mail facilities between Wauzeka, in Crawford county, and Readstown, in Vernon county.

To the Honorable, the Senate and House of Representatives of the United States, in Congress assembled:

Your memorialist, the legislature of Wisconsin, respectfully represents:

That the business interests of the people of a considerable portion of Crawford county, and especially of the city of Prairie du Chien, the county seat of said county, and the interests and convenience of a large number of the people of Vernon county, are seriously impaired by the lack of sufficient mail facilities between Wauzeka, in Crawford county, and Readstown, in Vernon county.

Your memorialist would therefore respectfully ask that a semi-weekly mail service be established between the above named points at the earliest practicable period.

Approved March 15, 1878.

[No. 4, A.]

No. 9.

MEMORIAL TO CONGRESS for equalization of soldiers' bounties.

To the Honorable, the Senate and House of Representatives of the United States, in Congress assembled:

The memorial of the legislature of the state of Wisconsin respectfully represents:

That great injustice has been done to the volunteers who entered the military service of the United States from April 19, 1861, to December 23, 1863, by not giving them an equal bounty with those who enlisted at a later period of the war; that the volunteers who entered the service between said dates have only received in all a bounty of two hundred dollars, while those who entered the service at a later period received a bounty largely in excess of this sum, and in addition thereto a large local bounty; that the volunteers of the latter class served much shorter terms than did those of the former class, and received in all respects a more substantial recognition of their services; and that justice to the former class of volunteers, who cheerfully and voluntarily entered the service without fear of draft or compulsion and without extraordinary pecuniary inducements requires such an equalization of bounties as to give them, proportionately, as large an amount as received by the latter class.

Your memorialist, therefore, respectfully prays that an act equalizing soldiers' bounties be passed at as early a day as possible.

The governor is respectfully requested to forward copies of this memorial to our senators and representatives in congress.

Approved March 15, 1878.

[No. 8, A.]

No. 10.

MEMORIAL TO CONGRESS for increased mail service on certain routes in Door and Kewaunee counties.

To the Honorable the Senate and the House of Representatives of the United States, in Congress assembled:

Your memorialist, the legislature of the state of Wisconsin, represents as follows:

That the interests of the inhabitants and business men of the counties of Door and Kewaunee, in the state of Wisconsin, require a tri-weekly mail service on the following named routes, now established:

From Ahnapee to Sturgeon Bay, three times each week. From Sturgeon Bay to Ephraim, via Fish Creek, three times each week. Also from Sturgeon Bay to Bailey's Harbor, three times each week.

Your memorialist, believing the rapid growth and development of territory through which these several routes pass require such service, would respectfully ask that the request be granted as soon as practicable.

Approved March 15, 1878.

[No. 5, A.]

No. 11.

MEMORIAL TO CONGRESS for the establishment of a tri-weekly mail route from the village of Ferryville, in Crawford county, to De Soto, in Vernon county, Wisconsin.

To the Honorable, the Senate and House of Representatives, in Congress assembled:

The memorial of the legislature of the state of Wisconsin respectfully represents:

That the interests and convenience of the inhabitants of the northwestern portion of the county or Crawford require the establishment of a tri-weekly mail route from Ferryville by the way of Freeman post office to De Soto, a distance of twelve miles, and that this is a necessity and has been for a long time to the northwestern portion of Crawford county and southern portion of Vernon county, and that for the whole distance the country is now settled, and that there are at present nearly no mail facilities; that this route will then give the people along this proposed route a tri-weekly communication between the points named.

And your memorialist would respectfully ask that the route be established at as early a period as possible.

Approved March 15, 1878.

[No. 7, S.]

No. 12.

MEMORIAL TO CONGRESS for the establishment of a weekly mail route from the village of Wilson, St. Croix county, to Rock Elm Center, in Pierce county, state of Wisconsin.

To the Honorable, the Senate and House of Representatives, in Congress assembled:

The memorial of the legislature of the state of Wisconsin respectfully represents:

That the interests and convenience of the inhabitants of the eastern counties of both St. Croix and Pierce counties require the establishment of a weekly mail route from the village of Wilson, St. Croix county, by way of Oak Ridge to Rock Elm Center, Pierce county, a distance of twenty-two miles, and that this is a necessity, and has been for a long time, to the eastern portion of St. Croix and Pierce counties, and your memorialist would respectfully ask that the route be established at as early a period as possible.

Approved March 20, 1878.

[No. 6, A.]

No. 13.

MEMORIAL TO CONGRESS for the enactment of laws for the improvement of the condition of the Oneida tribe of Indians, located on the reservation in the counties of Brown and Outagamie, and in the interest of civilization and humanity.

To the Honorable, the Senate and House of Representatives in Congress assembled:

The memorial of the legislature of the state of Wisconsin, respectfully represents:

That in the counties of Brown and Outagamie, in this state, there are about one thousand three hundred and thirty-seven (1337) Indians of the Oneida tribe, located on a reservation of about sixty-five thousand acres of land;

That the said Indians are in a deplorable condition, without the necessaries of life, and, under the present policy of the government, without ambition or stimulus for exertion and improvement, and are retrograding in civilization and capacity for self maintenance.

That, in the opinion of your memorialist, the true interests of humanity and civilization dictate that a radical change should be made in the government, condition and prospects of the said Indians, who are themselves anxious and eager that a different policy should be adopted in their behalf;

Therefore, in the interest of the said tribe of Indians, and for their elevation, improvement and civilization, your memorialist respectfully ask that a law or laws, may be passed by your honorable bodies as follows:

First, Providing for the allotment to each head of a family, and to each of such other Indians in said tribe as shall be deemed best, land in said reservation to an amount not exceeding eighty acres; and for the sale of the balance of the land in said reservation which shall remain after such allotment; and for the permanent

investment of the proceeds of such sale for the benefit of the said tribe.

Second, Providing that all real estate so alloted to any of the said tribe of Indians, shall not be alienated by the owner thereof, and that, with this exception, all civil and criminal laws of the state shall apply to the members of said tribe of Indians, except such laws as would permit them to vote and to hold office.

Third, Providing for a commission which shall determine, from time to time, what members, if any, of the said tribe, are of sufficient intelligence and character to merit the right to vote, and to hold office, and conferring such right upon any such members of the said tribe as may be adjudged by such commission to be worthy and qualified for it.

Resolved by the Assembly, the Senate concurring, That the governor of this state be and is hereby respectfully requested to transmit a copy of this memorial to each of our senators and representatives in congress from this state.

[No. 7, A.]

No. 14.

MEMORIAL TO CONGRESS relating to the proposed reduction of the tariff on imported wool.

To the Honorable the Senate and House of Representatives of the United States of America, in Congress assembled:

Your memorialist, the legislature of the state of Wisconsin, respectfully represents:

That the wool growing interest in Wisconsin is one of the great and important industries of the state, and affords occupation to a large and enterprising class of our population; that it has been fostered and encouraged by the tariff now existing on foreign wool and which, it has been reasonably hoped and expected, would be allowed to remain undisturbed until American wool growers should become so well established and fortified in their business that they could be able to successfully compete in American markets with the wool growers of other countries, without being compelled to rely on the protecting influence of a tariff; and

Your memorialist would further represent, that this great industry, in common with nearly all others, has suffered severely on account of the general financial depression of the past few years, and is not now in a condition to sustain the injurious and unequal competition which would at once result if the tariff on imported wool is removed or materially reduced, and the wool growers of those countries where both land and labor are very much cheaper than in the United States, are allowed substantially free access to American ports; and

Your memorialist would further represent, that we have learned with surprise and deep concern of the proposition which has been submitted to your honorable body to greatly reduce the present tariff on foreign wool; and, fully believing, as we do, that this measure, if adopted, would result in the great permanent injury if not the entire destruction of the wool growing interest in Wisconsin; we respectfully and earnestly request that the present tariff on imported wool may be allowed to remain unchanged; and

Your memorialist would further represent that they look with alarm upon the efforts being made to reduce the tariff on lumber; that the lumber trade of the United States furnishes business for at least seventy-six thousand men, and is the only means of support of at least three hundred and four thousand people; that to support that number of our population there is a home market created for our surplus agricultural products to an amount equal to three million forty thousand bushels of wheat with at least three millions of dollars, and other farm products of equal value, making a total of six millions of dollars annually; that American lumber ought not to be brought into free competition with Canadian lumber because

First, Our stumpage costs the operator on an average two dollars per M. feet, while theirs costs them nearly nothing.

Second, Our people pay all the taxes necessary to support the government, while Canadian operators pay but little.

Third, Our workmen are better fed and better paid than Canada workmen, and having a more direct and powerful influence in shaping the laws that govern the country, they should have better wages, more time for intellectual culture, better opportunities to understand the genius of our political institutions than is possible to attain if, by repealing or lowering the present tariff on lumber, they are compelled to compete with Canadian labor.

Approved March 20, 1878.

CERTIFCATE.

STATE OF WISCONSIN, } ss.
SECRETARY'S OFFICE. }

I, Hans B. Warner, Secretary of State, of the state of Wisconsin, do hereby certify, that the foregoing printed copies of laws, joint resolutions and memorials, have been compared by me with the original enrolled acts, joint-resolutions and memorials deposited in this office, and that they appear to be correctly printed.

In testimony whereof, I have hereunto set my hand and affixed the lesser seal of the state, at the capitol, in the city of [L. S.] Madison, this 15th day of June, A. D. 1878.

HANS B. WARNER, *Secretary of State.*

STATEMENT,

SHOWING THE

NAMES AND POSTOFFICE ADDRESS OF THE CIRCUIT JUDGES, AND TIMES AND PLACES FOR HOLDING CIRCUIT COURTS

IN THE

SEVERAL COUNTIES OF WISCONSIN.

PREPARED BY THE SECRETARY OF STATE

In accordance with chapter 145, *G. L. of* 1869

Cir.	Judge.	Post Office.	Term Expir's.
1st..	John T. Wentworth	Elkhorn	Dec. 31, 1883
2d..	David W. Small	Oconomowoc.	Dec. 31, 1881
3d..	David J. Pulling	Oshkosh	Dec. 31, 1884
4th..	Campbell McLean.....	Fond du Lac	Dec. 31, 1880
5th..	Montgomery M. Cothren	Mineral Point	Dec. 31, 1882
6th..	A. W. Newman.....	Trempealeau	May. 31, 1882
7th..	Gilbert L. Park.....	Stevens Point.....	Dec. 31, 1884
8th..	Egbert B. Bundy.....	Menomonie	Dec. 31, 1884
9th..	Alva Stewart	Portage	Dec. 31, 1884
10th..	E. Holmes Ellis	Green Bay.....	Dec. 31, 1879
11th..	Henry D. Barron*.....	St. Croix Falls.....	June 30, 1882
12th..	H. S. Conger	Janesville	Dec. 31, 1882

Counties.	Terms.	Where held.	Laws.
	FIRST CIRCUIT.		
Walworth ‡	2d Monday in February 2d Monday in June † 2d Monday in September.	Elkhorn	Ch. 164, L. 1877.
Racine ‡	2d Monday in March 3d Monday in June † 2d Monday in October.	Racine	Ch. 18. G. L. 1869.
Kenosha	Wednesday after 2d Monday in April 1st Monday in August.† Wednesday after 3d Monday in November.	Kenosha	Ch. 70, L. 1877.
	SECOND CIRCUIT.*		
Milwaukee	2d Monday in January 1st Monday in May. 4th Monday in June.† 1st Monday in October.	Milwaukee	Ch. 22, G. L. 1871.
Waukesha	3d Monday in March 2d Monday in June.† 1st Monday in December.	Waukesha	Ch. 248, P. & L. L. 1866.
	THIRD CIRCUIT.		
Dodge	4th Monday in February 2d Monday in October.	Juneau	Ch. 24, G. L. '71; ch. 23, G. L. '72
Green Lake	2d Monday in January 2st Monday in June.	Dartford	Ch. 24, G. L. 1871.
Ozaukee	Tuesday after 4th Monday in January Tuesday next after 3d Monday in June.	Port Washington.	Ch. 24, G. L. 1871.
Washington	3d Monday in March 2d Monday in November.	West Bend	Ch. 24, G. L. 1871.

‡ Constantly open for the transaction of business.

† No jury shall be summoned.

* General terms in each county special terms for the whole circuit. Ch. 106, G. L. 1872.

Counties.	Terms.	Where held.	Laws.
	Third Circuit — continued.		
Winnebago	Tuesday next after 2d Monday in April..... Tuesday next after 1st Monday in September. Tuesday next after 4th Monday in November.	Oshkosh	Ch. 230, L. 1877.
	FOURTH CIRCUIT.		
Calumet.....	3d Monday in May..... 2d Monday in December.	Chilton	Ch. 65, L. 1878.
Fond du Lac ...	Special term, 2d Monday in February.* ..... 1st Monday in March.* 4th Monday in June.* 2d Monday in November.*	Fond du Lac....	Ch. 65, L. 1878.
Kewaunee.....	4th Monday in April ..... 3d Monday in October.	Kewaunee.	Ch. 65, L. 1878.
Manitowoc	2d Monday in January.† .. 1st Monday in June.†	Manitowoc	Ch. 65, L. 1878.
Sheboygan	2d Monday in April.* ..... 1st Monday in October.*	Sheboygan	Ch. 65, L. 1878.
	FIFTH CIRCUIT.		
Crawford.....	4th Tuesday in May..... 2d Tuesday in November.	Prairie du Chien.	Ch. 398, L. 1876.
Grant	1st Tuesday in February ... 2d Tuesday in September.	Lancaster	Ch. 398, L. 1876.
Iowa.....	4th Tuesday in March..... 1st Tuesday in October.	Dodgeville	Ch. 398, L. 1876.
La Fayette....	4th Tuesday in June ..... 1st Tuesday in December.	Darlington	Ch. 398, L. 1876.
Richland.....	2d Tuesday in April..... 4th Tuesday in October.	Richland Center.	Ch. 398, L. 1876.
	SIXTH CIRCUIT.		
Clark	1st Monday in March..... 1st Monday in September.	Neillsville.....	Ch. 35, L. 1878.

* Special terms for whole circuit.— Sec. 2, Ch. 84, L. 1876.

† Special terms for Kewaunee county.— Sec. 3, Ch. 84, L. 1876.

Counties.	Terms.	Where held.	Laws.
	Sixth Circuit — continued.		
Jackson.....	3d Monday in March * .... 3d Monday in September.*	Black River Falls.	Ch. 35, L. 1878.
La Crosse	2d Monday in May * ..... 2d Monday in November.*	La Crosse.....	Ch. 35, L. 1878.
Monroe.....	Special term, 1st Monday in January*..... .... 1st Monday in April * 1st Monday in October *	Sparta.....	Ch. 35, L. 1878.
Trempealeau ...	2d Monday in June * ..... 2d Monday in December.*	Whitehall	Ch. 35, L. 1878.
Vernon....	4th Monday in April..... 4th Monday in October.	Viroqua.....	Ch. 35, L. 1878.
	SEVENTH CIRCUIT.		
Lincoln.....	3d Tuesday in February ... 4th Tuesday in August.	Jenny.....	Ch. 120, L. 1877.
Marathon	2d Tuesday in April..... 1st Tuesday in October.	Wausau	Ch. 120, L. 1877.
Portage	1st Tuesday in March..... 2d Tuesday in November.	Stevens Point....	Ch. 32 & 120, L. 1877.
Taylor	1st Tuesday in February... 1st Tuesday in September.	Medford.....	Ch. 120, L. 1877.
Waupaca	2d Tuesday in January.... 4th Tuesday in May.	Waupaca.....	Ch. 120, L. 1877.
Wood	2d Tuesday in May..... 1st Tuesday in December.	Grand Rapids....	Ch. 120, L. 1877.
Waushara	4th Tuesday in March..... 3d Tuesday in September.	Wautoma.....	Ch. 120, L. 1877.
	EIGHTH CIRCUIT.		
Buffalo.....	2d Monday in May..... 1st Monday in December.	Alma	Ch. 230, L. 1878.
Dunn.....	2d Monday in March..... 2d Monday in September.	Menomonie	Ch. 230, L. 1878.
Eau Claire.....	4th Monday in March * .... 4th Monday in September.*	Eau Claire	Ch. 230, L. 1878.

* Special terms for whole circuit.

Counties.	Terms.	Where Held.	Laws.
	Eighth Circuit — cont'd.		
Pepin	3d Monday in April 3d Monday in October	Durand	Ch. 230, L. 1878.
Pierce	2d Monday in June 2d Monday in December.	Ellsworth	Ch. 230, L. 1878.
St. Croix	3d Monday in May 3d Monday in November.	Hudson	Ch. 230, L. 1878.
	NINTH CIRCUIT.		
Adams	3d Tuesday in January 2d Tuesday in June.	Friendship	Ch. 120, L. 1877.
Columbia	2d Tuesday in May * 2d Tuesday in December.*	Portage	Ch. 120, L. 1877.
Dane	Monday after 1st Tuesday in April * 2d Tuesday in July.‡ 2d Monday in November.*	Madison	Ch. 120, L. 1877.
Juneau	2d Tuesday in March 3d Tuesday in October.	Mauston	Ch. 120, L. 1877.
Marquette	Tues. after 1st Mon. in Jan. 1st Tuesday in June.	Montello	Ch. 120, L. 1877.
Sauk	3d Monday in March 4th Monday in September.	Baraboo	Ch. 120, L. 1877.
	TENTH CIRCUIT.		
Brown	Special term, 4th Monday in January * 1st Monday in March.* 1st Monday in September.*	Green Bay	Ch. 33, L. 1875.
Door	1st Tuesday after 3d Monday in February 1st Tuesday after 3d Monday in July.	Sturgeon Bay	Ch. 33, L. 1875.
Outagamie	1st Monday in June * 2d Monday in November.*	Appleton	Ch. 33, L. 1875.
Oconto	2d Monday in April * 3d Monday in October. *	Oconto	Ch. 33, L. 1875.

* Special terms for whole circuit.

† Judge may alter time for holding terms, by publishing a notice of such change for sixty days before such order is to take effect. Ch. 254, L. 1874.

‡ No jury shall be summoned.

Counties.	Terms.	Where held.	Laws.
	Tenth Circuit—continued.		
Shawano	1st Tuesday after 2d Monday in January ..... 1st Tuesday after 4th Monday in June.	Shawano	Ch. 33, L. 1875.
	ELEVENTH CIRCUIT.		
Ashland...	1st Monday in January..... 1st Monday in July.	Ashland.....	Ch. 78, L. 1878.
Barron	3d Tuesday in January..... 2d Tuesday in August.	Barron	Ch. 78, L. 1878.
Bayfield	2d Monday in January..... 2d Monday in July.	Bayfield.....	Ch. 78, L. 1878.
Burnett	1st Tuesday in February ... 4th Monday in July.	Grantsburg.....	Ch. 78, L. 1878.
Chippewa	1st Monday in June*..... 1st Monday in December.*	Chippewa Falls..	Ch. 78, L. 1878.
Douglas.....	2d Monday in February.... 3d Monday in July.	Superior	Ch. 78, L. 1878.
Polk	4th Monday in January* . . 1st Monday in August.*	Osceola Mills....	Ch. 78, L. 1878.
	TWELFTH CIRCUIT.		
Green	1st Tuesday in March ..... 3d Tuesday in June. 1st Tuesday in October.	Monroe	Ch. 143, L. 1875.
Jefferson	1st Monday in February ... 2d Tuesday in June.† 1st Monday in September.	Jefferson	Ch. 143, L. 1875.
Rock.....	4th Monday in January† ... 4th Monday in April. Wednesday next succeeding 1st Monday in November.	Janesville	Ch. 143, L. 1875.

* Special terms for whole circuit. † No jury shall be summoned.

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